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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, keep us always thankful for Your mercy and grace. May we never take for granted Your generous gifts to us and begin and end each day with words of petition, intercession, and thanksgiving.

Continue to bless our lawmakers. Give them the wisdom to keep our Nation on the sure foundation of Your righteousness. May our Senators be bastions of moral and spiritual power for the coming of Your kingdom of justice and peace. Lord, give them the higher vision to work with integrity and to be content with the judgment of history and the knowledge of Your approval.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 15, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will proceed to morning business until 11 a.m. Senators will be permitted to speak for up to 10 minutes each during that time. The majority will control the first half, the Republicans will control the final half.

Following morning business, the Senate will proceed to the consideration of the reauthorization of the Small Business Innovation Act, S. 493. The Senate will recess from 12:30 p.m. until 2:15 p.m. for the weekly caucus meetings. At 2:15 p.m., Senator COATS will be recognized to deliver his maiden speech. He will be recognized for up to 30 minutes. Rollcall votes in relation to amendments to the small business jobs bill are possible during today's session.

SBIR/STTR

Mr. REID. Madam President, this bill is another jobs bill. It is a very important bill. I did a press event yesterday with the chairman of the committee, Senator LANDRIEU. It was a good meeting. We talked about some of the things that are happening in our States regarding small business under this program that was developed during President Reagan's administration. Some remarkably good things happen in every State.

As to New Hampshire, I do not know which ones happen there, but there are a number of things in every State. In the State of Nevada, wonderful things have occurred. One of the things a smart man decided is that we should not have 9/11-type incidents where people are trapped and cannot get out of high stories. He has an apparatus that goes up and brings people down. For an initial grant of some $150,000, he was able to do that.

We have another—a battery that is now being used by the military—for $180,000. It does all these great things improving batteries in vehicles.

This did not occur in Nevada, but one of the amazing things is the electric toothbrush came about as a result of one of these small grants.

Every State in America has benefited from these grants. The program has worked well for almost 30 years, and we are reauthorizing it. That is what we are doing so these programs can continue.

We hope people will offer amendments to improve this legislation and not detract from it. We would like to complete this legislation this week. We know we have the CR coming over probably tonight sometime. We will have to deal with that. The next work period is going to be filled with a lot of business. We are going to soon have to reauthorize the PATRIOT Act. We have many things to do, but the things we have done so far this year are job creating. Not only the small business legislation I just talked about, but the patent bill, the first revision of that in some 60 years, that is 300,000 jobs. We did FAA reauthorization; that is 280,000 jobs.

I hope the House will complete these measures—we are waiting for them; the President is waiting for these matters—rather than doing what they are doing, which is not job creating.

There is a piece in the Washington Post today about how the Republicans are being so shortsighted. For every

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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dollar we spend with the IRS going after people who cheat, we bring in more than $10 to the Treasury. They are cutting the ability of the IRS to go after people who cheat on paying their taxes. That makes it more difficult for the people who pay their taxes. I hope they will get off the government bashing program they have been on and focus on job creation.

We all know we need to reduce our debt. We are engaged in that, but in a way that is smart, not a way that is, as indicated in that Washington Post article, penny-wise and very pound-foolish.

Will the Chair now announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE BUDGET

Mr. DURBIN. Madam President, last week, Senator INOUYE of Hawaii, the chairman of the Senate Appropriations Committee, proposed a bill to fund the government through the end of this fiscal year. It is hard to believe we are almost halfway through this year and still haven't resolved the basic issue of our budget. Our failure to resolve it, lurching from 2 weeks to 3 weeks of funding, may serve some political purpose, but it doesn't serve the purpose of good government because many people who have to make critical decisions that involve more than a momentary glimpse or glance at our fiscal situation are held back.

I met a man last night whose business is to supply the United States with vaccine for anthrax, tuberculosis, and similar things. We have an inadequate stockpile of vaccine. The government has said to him: We want you to produce more vaccine, but we are only funded for 2 more weeks.

He said to me: How can I, as a businessman, make a commitment to produce vaccine with an uncertainty as to whether it will be paid for?

That is a pretty reasonable question, and it reflects the fact that as we move from 2 weeks to 3 weeks of funding, postponements are made in decisions which have an impact on the future of our country.

This morning, I wish to address, as well, something that goes beyond the obvious—stockpiling vaccine—and looks to some of the other aspects of the House Republican budget bill and what it will mean to America if it is adopted. This is a bill which they proudly boast will cut $100 billion in spending. Most people across America, sensitive to our deficit crisis, say we should start by cutting spending. That is a reasonable request by voters in New Hampshire and Illinois. But there comes a moment when we have to use our best judgment about where cuts should be made and where cuts, when made, would cost us dearly for a long time to come.

Senator INOUYE, in his bill, tried to balance $51 billion in cuts below the President's original budget request in a way that would not hurt our investment in America's future and economic growth.

American innovation has always fueled economic sustainability and job creation. Senator INOUYE's bill lays out a wise path toward providing more jobs and less debt—two things we desperately need to do. Under his alternative spending bill, which I supported, the budget for the National Institutes of Health—which is the premier agency for medical research in America—is frozen at $31 billion, the same amount it received last year. This means the funds required to perform cutting edge breakthrough medical research and new clinical trials for much-needed cures and treatments will be available. It also means that nearly 12,000 jobs across the State of Illinois in hospitals, universities, and medical centers will continue to be supported under the Inouye budget.

Under the House Republican budget, the National Institutes of Health is cut by $1.6 billion. That is a cut that is severe by any measure. It would cause new construction projects to be halted when it comes to medical research laboratories and put 351,000 U.S. jobs in danger of being lost. We can't afford these shortsighted cuts when our Nation is struggling but is determined that we will come out of this stronger than we went in.

That said, we know that freezing budgets is not going to be enough. Thoughtful and difficult cuts will have to be made. The Senate appropriations bills provide $6.8 billion for the National Science Foundation. This is a cut of $573 million from the President's budget, but it is still $284 million more than was provided in the bill passed by the House. Under the Democratic Senate alternative, we can continue to fund basic research and create jobs and programs that educate the next generation of scientists in America. That is not possible under the House bill.

As I travel to research laboratories in my State—Argonne National Research Laboratory, Northwestern University Medical Care Center—I meet some of the best and brightest young people I have ever seen in my life. They are from all over the world, and they come here because this is the place to do research and to make the breakthrough findings that will change America and change the world. Thank God for their intelligence and their idealism. But they look at me and say: Senator, am I going to have a job 6 weeks from now? If I am not, tell me now. I have to make a plan with my life.

Maybe they will leave research and go into work for a private company and make more money. Maybe they will go back home to another country where they will be welcomed in their research capacity. So the generation of scientists affected by this decision are as important as the breakthroughs that might be found in the research itself.

The National Science Foundation will continue to provide $8 million of innovation research to Illinois small businesses under the Inouye bill, but the funding level difference between the House and the Senate and what they want to cut and what we want to cut is dramatic.

Let me give an example: We are working on a new supercomputer at the University of Illinois, Urbana-Champaign. It is called Blue Waters. When it is completed, it will be the fastest computer in the world. Most Americans, when asked where is the fastest computer in the world today, would probably say America; we are the leaders. No, it is in China. But we are trying to devise and invent the next computer.

Now, what difference does that make? We know fast computers make quick decisions and help us find ways to solve problems we never even imagined. We are about to sacrifice many of the economic gains we can realize if we go through with the House Republican budget.

The budget for the Department of Energy's Office of Science was also examined and cut by $388 million to $4.7 billion for the year. Now, that is a $200 million cut. It is difficult because the Office of Science supports seven of our National Laboratories. University research centers and private companies use their facilities to create new drugs, biofuels, and solutions to our country's toughest problems. Research done by Abbot Laboratories at the Advanced Photon Source at the Argonne National Laboratory is crucial to the development of an AIDS drug—Kaletra—which is now the world's most prescribed drug for fighting AIDS and the HIV virus. Cutting back on the funds for Argonne National Laboratory, dismissing one-third of their scientists

and engineers—as the House Republican budget calls for—cutting back their research by 40 to 50 percent for the remainder of the year, slows down the use of the Advanced Photon Source, which is utilized by virtually every major pharmaceutical company.

The question may be asked: Does it work? Here is living proof—Kaletra, the most widely prescribed drug for fighting AIDS, developed at the Argonne National Laboratory.

The House Republicans say: Slow down, stop, we will get back to you later. Can we say that in a world that demands innovation and research and that is looking for solutions to problems? If we cut $1.1 billion from this account, as the House Republican budget suggests, facilities at the National Laboratories in my State and across the country will shut down and workers will be laid off. That is a simple reality.

I am not coming to the floor and engaging in scare tactics. This is what the Directors of the National Laboratories have told me. If these centers and Laboratories are closed, private companies—Eli Lily, Texas Instruments, GE Research, and 3M—have a choice. If our Laboratories are closed, they will find labs overseas, outside the United States. Does that help our economy? Does that create jobs in America—to cut research?

The House Republican budget cuts this research and innovation and welcomes these companies to leave and go overseas to create jobs. Could we possibly be envisioning that at a moment when we have so much unemployment and we are facing a recession in this country?

Japan, China, and Europe are ready to receive these research projects. They are building facilities in the hopes that these companies will decide they are more reliable than the United States. That is what the House Republican budget threatens. Whether it is in medical research, energy research, or finding new drugs, unless we make a commitment that people can count on, that research is going overseas and jobs will flow with that research to other countries and not to America.

We need to cut the budget and reduce our deficit, no doubt about it. Let's not do so in a way that costs America jobs and cuts off American innovation at the knees. The spending bill before the House of Representatives is going to cripple our economy at a time when it is just starting to recover. Economists tell us the House Republican budget will cost us more than 700,000 jobs. That is not the way to move America forward.

We can find a way to eliminate tax loopholes and benefits, improve the way we spend money, and thoughtfully—thoughtfully—decrease our spending. These are elements of a sustainable plan for reaching the budget balance we are seeking and, equally important, the economic growth we need. We cannot balance the budget of America with 15 million people out of work. We have to build an economy that creates good-paying jobs and people drawing paychecks who pay their taxes. That sustains government growth as well as economic growth.

I am going to be working with my colleagues in the Senate to come up with a better approach than the House Republican budget, and I certainly believe we can and should.

WESTWOOD COLLEGE AND THE GI BILL

Mr. DURBIN. Madam President, I have come to the Senate floor a number of times over the past year to speak about my concerns about the rapid growth of for-profit colleges. I believe some for-profit colleges are quality institutions, but I also believe many are taking advantage of Federal taxpayer dollars and doing more harm than good for unsuspecting students. In no area is this issue more important than when it comes to our veterans.

A few years ago, I proudly joined Senator JAMES WEBB of Virginia, who said to me when he came to the Senate 5 years ago: I want to pass a new GI bill. It is my No. 1 priority. And he did it. Thank goodness, he did. This is a man—a veteran of the Vietnam conflict who served in the U.S. Marines and later as Secretary of the Navy—who knows what he is talking about when it comes to veterans. He helped put together the modern GI bill, and I am proud to have voted for it, as many of us did.

When we passed that bill, we provided veterans with improved benefits to go to college. Veterans can receive up to $17,000 a year to cover the cost of tuition, fees, housing, and supplies at the college of their choice. Veterans can also access private schools through the Yellow Ribbon Program, which allows the VA to pay a portion of private school tuition under agreements with these schools.

A lot of students are using the GI bill to attend for-profit colleges which are far more expensive than their public counterparts and even more expensive than many private not-for-profit universities. There is a rapid growth in veteran enrollment in these for-profit schools. For-profit schools cost an average of $14,000 a year compared to $2,500 a year at public 2-year colleges and $7,000 at public 4-year universities.

In the first year of the post-9/11 GI bill implementation, the Veterans' Administration spent $697 million on students attending public schools and $640 million on students attending for-profit schools—almost the same. But we educated far more students for our money in public schools—203,000 students at public schools compared to 76,000 at for-profit schools, which charge two or three times as much for tuition and obviously educate one-half to one-third of what the public schools educated.

The top five for-profit recipients of the post-9/11 dollars received over $320 million from the Department of Veterans Affairs last year: ITT received $79 million; Apollo, which is the University of Phoenix, $76.9 million; Education Management Corporation, $60.5 million; Career Education Corporation, $58.2 million; and DeVry, $47.9 million.

There are reports of for-profit colleges aggressively targeting military servicemembers and veterans with expensive ad campaigns and hundreds of recruiters. One prominent for-profit college has 452 recruiters focusing on recruiting veterans out of the military. Another employs 300. Why do they want these students? Because when they bring the students in under the GI bill, they get compensated at higher levels by the Federal Government. We have a limit that says that none of these for-profit schools can take more than 90 percent of their revenue out of the Federal Treasury. That is money that comes in through Pell grants and Federal college loans. When it comes to the GI bill, we raised the 90 percent. So these schools that argue: We are just in the private sector, just little businesses, get more than 90 percent of their revenue from the Federal Government. They are the most heavily subsidized private businesses in America. It is time for us to ask, Are the taxpayers getting their money's worth? Are the veterans getting their money's worth?

It is troublesome when these schools spend so much money on recruiting students instead of educating them. I am concerned. The current system allows for-profit colleges to earn millions of dollars from taxpayer-funded programs while providing a low-quality education to students. We need to put the brakes on for-profit colleges that are targeting veterans to reap profits from taxpayers' dollars.

Last week, the Department of Veterans Affairs announced that it and the Texas Veterans Commission had disqualified three Texas campuses of Westwood College. They could no longer receive GI bill benefits. Westwood College is a for-profit college based out of Colorado, with 17 locations in 6 States—several in Illinois.

When I drive to O'Hare, I am on the Kennedy Expressway, and I look up and there is this office building and a big, huge sign, ''Westwood College.'' Wow, the campus of Westwood College.

I know one of the students who went to Westwood College. This is a young lady who decided she needed to improve her life after high school and wanted to get into law enforcement. She enrolled at Westwood College to get a bachelor's degree in law enforcement. Five years later, they handed her a diploma at Westwood College. She went to the Chicago police department, and they said: We don't recognize that college; that is not a real college. All of the law enforcement in the region said to her: Westwood is not a real college; this is not a real diploma. She learned that to her disappointment, and she also learned to her disappointment that she had incurred

$90,000 in college student loans for this worthless Westwood College diploma.

Now the Veterans' Administration has disqualified three Westwood College campuses in Texas for their recruiting tactics when it comes to our veterans—a lesson learned and a word of warning. This action against Westwood was in response to findings of erroneous, deceptive, misleading advertising and enrollment practices at the Houston South, Dallas, and Fort Worth campuses.

The Department of Veterans Affairs began its investigation after the GAO report on recruiting practices at for-profit colleges. They sent undercover applicants to 15 of these for-profit colleges. They found that all 15 made deceptive or otherwise questionable statements to potential applicants, including Westwood. Investigators found admissions representatives at Westwood misstating the cost of programs, failing to disclose graduation rates, and even suggesting that applicants falsify Federal financial aid forms.

When asked about the cost of the program by the undercover investigator, the recruiter replied:

> It depends on the program. Usually a bachelor's program, coming in with no college credits, this could be—it could range from $50,000 to $75,000. Most schools, more traditional schools, you're looking at about $100,000 to $150,000 to $200,000.

That isn't true. To obtain the same degree from a public university in Texas would cost the student $36,000.

Another financial aid counselor told a student with $250,000 in the bank that he should not report that money on his Federal financial aid forms, counter to Department of Education requirements.

The Westwood representative said, ''Frankly, in my opinion, they don't need to know how much cash you have.''

In December, the Texas Workforce Commission fined Westwood College $41,000 and put its Texas campuses on probation for the high-pressure recruiting practices that GAO discovered. And Westwood's online operation was put out of business in Texas for operating without a certificate of approval. Wisconsin has also banned Westwood from enrolling its students online.

These are not the only problems that have arisen at Westwood College. Former recruiters have spoken out about the high-pressure sales tactics they were encouraged to use at Westwood. Recruiters talk about how they were given a script and told to make prospective students ''feel their pain.''

Joshua Pruyn testified before the Senate HELP Committee as an admissions officer for Westwood College. He testified about how he was taught that enrolling a student was a psychological game.

Recruiters told students that they could only be accepted into Westwood by interviewing with and securing a recommendation from an admissions representative. But in reality there was no standard for enrollment.

Joshua testified:

> A student only needed a high school diploma or GED and $100 for the application fee. This fake interview would allow the representative to ask students questions to uncover a student's motivators and pain points—their hopes, fears, and insecurities—all of which would later be used to pressure a student to enroll.

And I have heard from a number of former students of Westwood College in my State. They tell me of being lied to by recruiters and being buried under a mountain of debt for a degree that they are afraid will be worthless.

Westwood College is accredited by a national accrediting agency. Because Westwood lacks regional accreditation, some employers such as the Illinois State Police will not consider graduates for employment.

It also means that credits from Westwood College will not be accepted by most traditional public and nonprofit colleges.

Westwood admits this on its Web site, which states:

> Credits earned at Westwood College are typically not transferable to other colleges or universities.

How do they explain this to prospective students on the Web site?

> As a career-focused college, we offer a hands-on approach to learning that's different—though, we believe, no less valuable—than approaches students may experience at other colleges and universities.

But the real story is that traditional colleges do not view credits earned at Westwood as equivalent to their courses.

Jason Longmore is a Navy veteran from Colorado who spent 6 months at Westwood College. His story was recently highlighted in a New York Times article. About his experience, Jason says ''I felt like I made a horrible, horrible decision.'' After 6 months, he left and had to repeat classes elsewhere because his Westwood credits wouldn't transfer.

I have heard similar stories from my constituents. Bret, from Rockford, attended Westwood for a year and a half. He told me that his education was very low in quality and that his credits weren't accepted at any traditional schools. He says, ''I now have a mountain of debt and literally a degree that means absolutely nothing.''

When I met with a former Westwood College student named Michelle in Chicago, she told me that Westwood repeatedly promised that regional accreditation was right around the corner.

That never happened. Westwood College was pursuing accreditation from the Higher Learning Commission, a regional accrediting agency. The Higher Learning Commission declined to accredit Westwood and its application was withdrawn last November.

And at least one Westwood campus is in trouble with its national accreditor as well.

The Accrediting Commission of Career Schools and Colleges placed Westwood's Denver North campus on probation in September. The accreditor's notice states that Westwood ''has not demonstrated compliance with the Commission's requirements relative to student achievement outcomes'' and that it ''is gravely concerned about the recruiting activities of the system of Westwood affiliated institutions.''

Many students who enroll at Westwood aren't sticking around long enough to graduate.

The Senate HELP Committee made official information requests of 30 for-profit companies, including the company that owns Westwood.

According to that information, 2,500 students were enrolled as associate's degree students in 2008–2009. By September 2010, 57.6 percent of those students had withdrawn from the school.

One of the Westwood campuses in Illinois has a graduation rate of just 32 percent.

The evidence suggests that Westwood may be more focused on enrolling students than supporting their academic success. I am glad to see the VA take action to address this issue.

Congress gave the VA additional tools to do so at the end of our last session with the Post-9/11 GI Bill Improvements Act of 2010.

The VA will soon have greater flexibility to act on its own to disapprove courses at schools that abuse student-veterans.

We also gave the State approving agencies, which work hand-in-hand with the VA to monitor course quality, authority to disapprove courses provided at schools that fail to follow the rules, regardless of the State in which the school is located.

These are important changes to VA's oversight authority at a time when distance learning takes on greater significance and for-profit schools are recruiting nationwide from call centers in various locations.

I am glad that the VA has taken action to identify colleges like Westwood using abusive practices and end their participation in the VA education benefits program. But we have to do more for our veterans and all our students.

I don't think Westwood will be the only college facing scrutiny under the G.I. bill program. I met with Secretary Shinseki this week and asked him to take more aggressive steps to identify colleges misusing the G.I. bill program. Veterans deserve to know that they have real support at their school and that their education will be meaningful when they are considering college or enrolled in college.

I will continue to work with my colleagues, including Chairman HARKIN and Senator WEBB, to address this important issue.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

HEALTH CARE AND JOB CREATION

Mr. BLUNT. Madam President, next Wednesday marks the first anniversary of the day President Obama signed the bill into law that, in my opinion and in the opinion of most Americans, is the greatest involvement in our Nation's health care system in history.

What we see, as that law is discussed, as it is challenged in court, is a bill that was signed into law that was full of problems when it was signed into law. It was a bill full of constitutional questions, and, in fact, while some courts have said it may be constitutional, others have said it is not.

It was a bill where the courts say the Federal Government cannot make you buy a commercially available product, then the same people who were saying a year ago that this requirement is not a tax are saying: Maybe it is a tax. Maybe the Constitution allows us to define that particular purpose as a tax on the American people.

But a year ago, they were saying: This is not a tax at all. This is definitely not a tax. There is no way this could ever be interpreted as a tax.

But when courts say you cannot do this the way this bill does it, suddenly they try to reinvent what the law was designed to do.

One of the reasons this bill has so many of these problems is there was a rush to get a bill into law, a bill with more government control of health care into law, a bill that could not have passed the Senate the day the President signed it into law. A bill that was full of concerns, a bill that the Senate voted on never believing that it actually would become law but would create a vehicle to become law, became the only option the House leaders thought was available to them, and they passed it. They passed it without the kind of process that would have produced a law that could stand a constitutional challenge, produced a law to which Americans would be more responsive.

While I believe the law was misguided in its concept, more importantly, it was put together in what I think will be seen as the worst possible way—a rush to judgment, to get a law on the books. Now the people who voted for the law are saying things like: There may be a better way than an individual requirement that everybody buy a specified, defined insurance policy. Not all the people are saying that but some are. They are saying: Maybe we ought to look for that better way. The time to look for that better way was before the bill was signed into law, not after it was signed into law. Even the White House is saying: Certainly let's work together to change this. This is headed in fundamentally so much the wrong direction, changing it would not be the best option.

Already in the Senate we have voted not to vote on a repeal of this law that would allow us to replace it with better things. Unless those votes change, that will not happen this year. But the view that Americans have of this law is not likely to change either. I certainly do not believe government has the authority in the Constitution to penalize people for not buying a commercially available product.

Sometimes people say that the States require that under their constitution, to buy auto insurance if you drive a car. No. 1, that is a State decision, and No. 2, they do not require you to drive a car. You don't have to have that particular product if you do not make that decision. This gives you no options but to pay a penalty or to do what the government says you have to do.

During the debate surrounding this bill and immediately following the enactment of the bill, the American people began to tell us that this was not the approach they wanted. In Missouri, where I am from, the first place that had an issue on the ballot where voters could speak about whether they wanted to be part of this new concept of more government control of health care, 71 percent of them said they did not want to be part of it. That was in a primary election. Hundreds of thousands of people voted and 71 percent of them said: We do not want to go in this direction.

Missouri is a State that generally is pretty reflective of the country in our elections, in our economy, in how our population comes together. Madam President, 71 percent of them said: Let's not do this; let's do something besides this. They had a sense that this was a misguided plan that put government between them and their doctors, that had as one of its major tenets that the government would describe a certain regimen of care that would have to be followed for doctors and hospitals to be reimbursed. Missourians by and large believe this significantly changes—some would say implodes—our current health care system.

To make it worse, this law cuts Medicare by $500 billion, not to save Medicare or improve Medicare, but it cuts Medicare by $500 billion so we could start another health care program. This makes so little sense as we look at Medicare—one of our major challenges as the demographics of the population change. Medicare is one of the areas where we know that in a handful of years, Medicare will face a generation of great challenge. We look for savings in Medicare not to save Medicare but to start a new program. That would be totally unacceptable anywhere except Washington, DC. It makes as little sense to people as the idea that we could come up with a new $1 trillion program over a handful of years and say that is going to save money. Nobody believes that.

When you look at the greater concept of what this law will do, if it is ever implemented, to change the relationship of people and their government, I can't think of anything, besides the government taking over the economy, that actually has greater potential to change that relationship than the government having more control of your health care. What more controlling element could the government look to than your health care and your family's health care to make sure that you never got on the wrong side of that government? It does change that relationship.

It also creates real uncertainty in what should be the No. 1 goal in America today: private sector job creation. If a year ago the President would have signed bills into law that encouraged private sector job creation or created more certainty about our health care costs, about our utility bills, about our taxes, about regulation, rather than signing this bill into law, I believe we would be much further down the road toward seeing private sector jobs, jobs that create taxpayers that help government provide the services only government can provide. We would be much further down that road.

The very clear message I and others heard all over the country in the last year was, we do not want to create these jobs with all of these issues out there not yet really decided and if they are decided, likely to be decided in a way that makes that job-creating decision less of a good situation than it would have been otherwise.

Cap and trade, in the middle of the country, in Missouri, the sixth most dependent State on coal for its utilities—the estimate was that it would double the utility bills in a dozen years. What is the job-creation message there?

We are exactly where we were 2 years ago on the tax question because just a few months ago the President signed a bill that extended current tax policies but only for 2 years. So we are no further down the road on that question than we were 2 years ago today.

The President calls for regulations that make sense. I join him in that. But we see none of that coming from the regulating authorities right now. The clear message people had was, they would like the government to create more certainty in the areas the government controls so they can decide whether they want to take the certain risk you always have when you create a job.

I was in northwest Missouri not too long after this bill was signed into law 1 year ago and very well remember a conversation I had with someone whose business was going well. In fact, he said: I have 47 employees. You will remember the bill creates a threshold of 50, that you have different kinds of obligations and regulations once you get to 50—over 50 employees—than you had before that. He said: I have 47 employees. I need to hire six more people right now. But I have looked at this health care law, my accountants have looked at this health care law, and we are not going to get 1 employee closer to 50 than we are right now.

So there are six jobs that did not get created. His view of what to do about

his current situation was, I am going to pay overtime until I can figure out what I am doing that is not making much money or, in fact, maybe even losing a little money, and I am going to quit doing that. I am going to be sure we get back to where we are truly a 47-employee business again, instead of what should be a 53-employee business.

Many employers I talked to said: We are not going to hire full-time employees. We think we can get our job done with more part-time employees who do not force us into the environment under this law, where the government comes in and says: You have to pay a penalty or you have to offer an unknown insurance policy that will be created by some group created by the Congress that says what everybody's insurance policy has to look like.

''One size fits all'' almost never fits anybody, and it will not fit anybody in this insurance plan that this bill anticipates and mandates. What you need is more competition, more choice, real, sustainable understanding that the marketplace works. On the job creation front, private sector job creation will not occur until we do the things we need to do that create more certainty in the job-creating marketplace: letting families keep more of what they earn, economic incentives for small business, government that does not constantly talk about how it can raise all the costs that you have as the underlying costs of the business you create.

While I would be voting—if we would have a chance to repeal this bill—I would also be working hard to replace it with better solutions. Maybe the only good thing about this health care bill is, it requires us to either go down a road most Americans now think is the wrong direction or to truly tackle these big questions involving health care, things such as small business health care plans—at one time they were called association health care plans—where you could find some bigger group to affiliate with if you are an individual or a business and get your insurance that way rather than trying to get it as an individual.

Medical liability reform is a concept I have sponsored legislation on and others have, over and over again, to see it pass the House of Representatives and not get voted on seven times in the Senate. The medical liability bill last year, the estimate was it would save $56 billion for health care under current government programs and at least that much more in health care costs for Americans who pay for their own health care or have their own private insurance. That is over $100 billion in savings at a time when we need to be looking for every $100 billion in savings we can find. Unfortunately, in our current situation, it takes several of those $100 billion in savings—16 of them, in fact—to just get the budget back in balance. We cannot afford to not do things that would save $100 billion.

Risk pools. Nobody wants people not to be able to get insurance because of preexisting conditions. But they are not moving in the direction this bill would allow them to move. In fact, the people who have signed up for the concept the bill put out there of how to open risk pools, I think, is about 6 percent of the anticipated number. When the target is 6 percent of what you thought the law would encourage people to do, obviously there is something wrong with the way that is put together. It is only 94 percent short of the estimate of people who would rally to risk pools that allowed for access if you have a preexisting condition. There are better ways to expand these risk pools that are better than telling people: No, you will get insurance the same way everybody else gets it, for the same thing they pay for it, anytime you need it, which is what the bill says. You will have to pay a penalty, in the interim, that is much less than it would have cost you to have insurance. People will figure that out and pretty quickly.

On what may have been that same visit with the employer in Rockport, MO, I was talking to a hospital in that area right after this bill passed. They said: I guess, if this bill goes into law, we will put the insurance application forms in the ambulance. That way you can get your insurance on the way to the hospital. Because, after all, under the bill, you would pay 100 percent of what everybody else was paying. So why would you want to pay 100 percent until the day you knew you needed it? This is a badly thought-out concept. Expanding risk pools in other ways and helping fund and encourage those risk pools would have been the better way to do that.

Being sure families still make family decisions about health care instead of being told: No, there is only one option your health care plan that is defined by the government will pay for; encouraging coverage available in other States, buying this product across State lines. There is no reason not to have a health care marketplace. It does not just have to be buying the product in the half dozen States that touch Missouri, the six or seven States that touch Missouri. There is no reason it cannot be bought in a marketplace that is the national marketplace. Competition produces better choices, and it also produces more choices so you can look at the health care plan that is right for your family or you as an individual, rather than the health care plan some newly created board and agency said had to be the health care plan for everyone to meet the new Federal Government standards.

Tax equity. If you buy a health care plan on your own, you should do that with pretax dollars, just like the biggest corporations in America buy health care for their employees with pretax dollars.

More transparency of how health care works. I would like to know, if I am on the way to get a health care procedure, I would like to know, before I leave to do that, what do people charge and what are their results. Most trips for health care are not to the emergency room, they are planned trips for health care. Once you are in the car, if it means driving another 20 minutes or 1 hour and 20 minutes to get to the place that does a better job for less money, I think most Americans would do that.

We know this. These factors are generally known. I remember a study just 1 year or so ago that was checking to see the survival rates for inhospital heart attacks based on the response time. That information is all available. At this point, it is available anonymously. But if it is available anonymously, it would also be available specifically.

More transparency in the system. How do you go to the place to get the best results or, if the results are the same, how do you go to the place that gets the best results for the better cost? When employers are telling us they are not hiring because of the uncertainty created by this law, when courts are ruling the law is unconstitutional or even when courts disagree on this topic—when some courts think it is unconstitutional and some think it is—when voters are overwhelmingly rejecting it every opportunity they have had at the polling place to vote on it, something is wrong with the direction we are headed.

Americans deserve a plan where the people are still in the driver's seat, where the people are bigger than the government, where the people are making decisions for themselves and their families about lots of things but particularly about health care.

I am working and will keep working to repeal this bill and replace it with policies that make more sense, policies that move us toward more competition, more transparency, and better health care. The anniversary of this signing next week would be better spent if we were all here next week trying to come up with policies that make health care sense, that make economic sense, that meet the constitutional standard, and still keep people in charge of these important life-sustaining, health-sustaining decisions.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOEVEN. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

ENERGY PRODUCTION

Mr. HOEVEN. Madam President, I would like to speak this morning on an issue that I believe is of great importance to our economy and to our national security. In recent weeks, we have seen political turmoil in Libya and Egypt and Tunisia and throughout the Middle East and other North African nations.

Only time will tell what the outcome of these historic events will be. What is clear, however, is that there is, once again, disruption in the worlds's petroleum supplies as a result of the turmoil in this region of the world, and American consumers and businesses are feeling the brunt of it.

In the United States, we have seen the price of gasoline and other petroleum products increase dramatically. The pain is particularly sharp at the pump.

Over the last few weeks, retail gasoline prices have risen to more than $3.50 a gallon. They are expected to rise to more than $3.70 a gallon during the peak summer driving season and, of course, they could go substantially higher. This is a reflection of what is happening in the crude oil commodity markets around the world. In fact, the Energy Information Administration's latest forecast of the average West Texas spot price for the remainder of this year increased from $93 a barrel to more than $100 a barrel. The EIA expects continued tightening of world oil markets in the next 2 years in light of the events in North Africa and in the Middle East.

For example, in Libya it is widely reported that much of the country's 1.6 million barrels a day of total production in 2010 has been largely shut down. It is unclear how long this will last. However, the reality is that the problem is not a matter of current supply. Prices are going up not because of lack of supply but because of concerns in the market about future supplies. Therefore, to address this problem, we must increase domestic production. We must produce more American energy, and we can do it.

Furthermore, taking steps now to create a legal, tax, and regulatory environment that will stimulate more domestic production will help take pressure off prices even before that supply comes on line, as markets anticipate more production.

Of course, the opposite scenario exists today as markets anticipate less supply from the Middle East and they do not see the commitment domestically to offset that reduction in supply. We must change that perception by taking real action to encourage production here at home. Stalled energy projects and impediments to domestic oil production in our own country are costing our Nation's economy billions of dollars and millions of jobs.

A study released last week by the U.S. Chamber of Commerce says 351 energy projects, both renewable and traditional, are stalled, at a cost of $1.1 trillion to the American economy and nearly 2 million jobs for the American people. When we combine disruptions in foreign sources of production and a domestic market hobbled by bureaucracy and delays, the result is higher energy prices, a sluggish economy, and fewer jobs. That is exactly what we see happening. That should be a cause of huge concern, but it should also be a huge call to action. There is a path out of this for America, a path we in my home State of North Dakota successfully followed starting a decade ago by building a comprehensive energy plan called Empower North Dakota.

Through Empower North Dakota, we worked to create a business climate that incentivized energy companies across all industry sectors, including the oil industry, to invest in our State. We created the kind of legal, tax, and regulatory certainty that attracted capital, expertise, and jobs to North Dakota. In fact, when we started 10 years ago, oil companies had either left or they were leaving the oil-producing region in our State, the Williston Basin. Why was that?

First, they were getting better returns elsewhere. Technology was lacking to produce oil economically from new formations. Companies were going to other places in the world where they could extract oil less expensively. Second, data on confirmed reserves was lacking, and the technology to produce oil from shale wasn't sufficiently developed. Third, the workforce was aging, and we lacked the training and education for new workers. And fourth, transport constraints limited production. In other words, there were better places for the industry to invest shareholder dollars and earn a return.

To turn that around, we built a climate for investment. We established an oil and gas research fund paid for by the industry. We put tax incentives in place. We initiated studies of the Bakken formation at the heart of the Williston Basin through the North Dakota Geological Survey. That was followed by a U.S. Geological Survey study. I have requested another USGS study I believe will demonstrate that we have billions more in recoverable oil reserves in our State.

We also improved infrastructure. We created a pipeline authority to expand transportation capacity, and we established a center of excellence for petroleum safety and technology at Williston State College to train workers in oilfield drilling and recovery methods. Before that we had to send workers to Wyoming or Oklahoma and other places for training and education. Now we do it in our State.

In response, our enhanced business environment drew investment capital, technology, and ingenuity to Williston Basin which unlocked the potential of North Dakota's oil patch. We took full advantage of the Bakken and Three Forks, which are deep shale formations with billions of barrels of oil locked away in porous rock, by using innovative, unconventional technologies and with good environmental stewardship.

To release the oil, companies in North Dakota use hydraulic fracturing which involves pumping water under pressure deep into the Earth to crack the shale and release the crude oil. The water is then recycled or deposited safely back into the ground 2 miles down, well below, far below the water table. Companies also use directional drilling which enables drilling rigs to drill one vertical bore and multiple horizontal bores deep in the ground, producing more oil with a smaller footprint and, again, better environmental stewardship.

As a result, this year North Dakota will produce more than 120 million barrels of oil. That number is growing dramatically. This is sweet crude oil.

Since 2006, we have grown to become the fourth largest oil-producing State among all 50 States in the Union, passing States such as Oklahoma and most recently Louisiana. Bear in mind that in North Dakota the measures we took were not about government spending. They were about creating an environment for private investment that generated revenues for the State, broadened the economic base, and actually enabled us to reduce taxes. This isn't a Republican or a Democratic issue. It is an American issue, and it will take both parties to fix it. That is why I am cosponsoring a bill with Senator ROBERTS that actually works with a directive from President Obama.

The Regulatory Responsibility for Our Economy Act will give the force of law to a Presidential Executive order issued in January. The order proposes to review rules that may be outmoded, ineffective, or excessively burdensome, and to modify, streamline, or repeal them. We are all committed to good environmental stewardship and effective consumer protections. But the President's order acknowledges that Federal regulations are hindering the Nation's economic growth and our ability to create jobs. The law we are proposing, if passed, will make sure we take a clear-eyed look at our rules and help to bring regulatory and legal certainty to the markets.

While we are working to produce more oil in America, with the right approach, with the approach I am describing, we can also enlist the help of our friend and close ally to the north, Canada. To do that, for example, we need to complete some very ambitious projects that need permitting and approval. One example is the Keystone XL pipeline. This $12 billion, high-tech transcontinental petroleum pipeline is designed to carry crude from the Canadian oil sands in Alberta to the Gulf of Mexico. As it passes through the Midwest, an onramp will receive midwestern sweet crude from States such as North Dakota and Montana to mix with the heavier Canadian crude and send it to refineries that will turn it into gasoline and diesel fuel in America. With no overseas involvement, this

one promising project would help double current flows of oil from Canada, which is already our No. 1 trading partner.

One estimate projects that the project will create—and these are numbers the company has put forward in advancing this project—at least 20,000 high-paying jobs during the construction phase and more than 250,000 permanent jobs. It will spur more than $100 billion in annual total expenditures in the U.S. economy. It will generate $6.5 billion in new personal income for U.S. workers and their families, and it will stimulate nearly $600 million in revenue for State and local governments along its route.

Federal approval is something that will cost our Nation not one penny. What it will do, however, is create assurances in markets that the energy we need to power our Nation will be there in the future, and it will be there when we need it. That in turn will help to reduce our dependence on unstable overseas regimes, hold down the cost of gasoline at the pump, and create thousands of good American jobs at a time when unemployment is still hovering at about 9 percent.

Keystone XL is just one example. Across America there are hundreds of projects like it that could be advanced with good environmental stewardship and responsible oversight, if we resolve to do it and we create the climate to do it.

Today the United States, Canada, and Mexico combined produce 75 percent of the total oil we need. We can do much more. Our Nation needs to send a signal to energy markets that the United States is committed to a policy of aggressive domestic energy development by creating a strong business environment and a pro-energy agenda, including the legal, tax, and regulatory certainty companies need in order to make the kinds of investments that will truly lessen our dependence on foreign oil.

We are at a moment in history when we can truly turn adversity into opportunity and potential into reality. I urge Members to seize this opportunity to make America stronger, safer, and more financially secure with a comprehensive approach to truly develop American energy right here at home, to meet our needs both now and for future generations. We can do it. We must do it, for the well-being of our country today and for future generations.

I thank the Chair for this opportunity, yield the floor, and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Small Business and Entrepreneurship, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

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 ''SBIR/STTR Reauthorization Act of 2011''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

Sec. 101. Extension of termination dates.
Sec. 102. Status of the Office of Technology.
Sec. 103. SBIR allocation increase.
Sec. 104. STTR allocation increase.
Sec. 105. SBIR and STTR award levels.
Sec. 106. Agency and program flexibility.
Sec. 107. Elimination of Phase II invitations.
Sec. 108. Participation by firms with substantial investment from multiple venture capital operating companies in a portion of the SBIR program.
Sec. 109. SBIR and STTR special acquisition preference.
Sec. 110. Collaborating with Federal laboratories and research and development centers.
Sec. 111. Notice requirement.
Sec. 112. Express authority for an agency to award sequential Phase II awards for SBIR or STTR funded projects.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

Sec. 201. Rural and State outreach.
[Sec. 202. SBIR–STEM Workforce Development Grant Pilot Program.]
Sec. [203]*202*. Technical assistance for awardees.
Sec. [204]*203*. Commercialization Readiness Program at Department of Defense.
Sec. [205]*204*. Commercialization Readiness Pilot Program for civilian agencies.
Sec. [206]*205*. Accelerating cures.
Sec. [207]*206*. Federal agency engagement with SBIR and STTR awardees that have been awarded multiple Phase I awards but have not been awarded Phase II awards.
Sec. [208]*207*. Clarifying the definition of ''Phase III''.
Sec. [209]*208*. Shortened period for final decisions on proposals and applications.

TITLE III—OVERSIGHT AND EVALUATION

Sec. 301. Streamlining annual evaluation requirements.
Sec. 302. Data collection from agencies for SBIR.
Sec. 303. Data collection from agencies for STTR.
Sec. 304. Public database.
Sec. 305. Government database.
Sec. 306. Accuracy in funding base calculations.
Sec. 307. Continued evaluation by the National Academy of Sciences.
Sec. 308. Technology insertion reporting requirements.
Sec. 309. Intellectual property protections.
Sec. 310. Obtaining consent from SBIR and STTR applicants to release contact information to economic development organizations.
Sec. 311. Pilot to allow funding for administrative, oversight, and contract processing costs.
Sec. 312. GAO study with respect to venture capital operating company involvement.
Sec. 313. Reducing vulnerability of SBIR and STTR programs to fraud, waste, and abuse.
Sec. 314. Interagency policy committee.
Sec. 315. Simplified paperwork requirements.

TITLE IV—POLICY DIRECTIVES

Sec. 401. Conforming amendments to the SBIR and the STTR Policy Directives.

TITLE V—OTHER PROVISIONS

Sec. 501. Research topics and program diversification.
Sec. 502. Report on SBIR and STTR program goals.
Sec. 503. Competitive selection procedures for SBIR and STTR programs.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking ''TERMINATION.—'' and all that follows through ''the authorization'' and inserting ''TERMINATION.—The authorization'';

(2) by striking ''2008'' and inserting ''2019''; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking ''IN GENERAL.—'' and all that follows through ''with respect'' and inserting ''IN GENERAL.—With respect'';

(2) by striking ''2009'' and inserting ''2019''; and

(3) by striking clause (ii).

SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

''(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(B), each'';

(B) in subparagraph (B), by striking ''and'' at the end; and

(C) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in fiscal year 2013;

''(D) not less than 2.6 percent of such budget in fiscal year 2014;

''(E) not less than 2.7 percent of such budget in fiscal year 2015;

''(F) not less than 2.8 percent of such budget in fiscal year 2016;

''(G) not less than 2.9 percent of such budget in fiscal year 2017;

''(H) not less than 3.0 percent of such budget in fiscal year 2018;

''(I) not less than 3.1 percent of such budget in fiscal year 2019;

''(J) not less than 3.2 percent of such budget in fiscal year 2020;

''(K) not less than 3.3 percent of such budget in fiscal year 2021;

''(L) not less than 3.4 percent of such budget in fiscal year 2022; and

''(M) not less than 3.5 percent of such budget in fiscal year 2023 and each fiscal year thereafter.''; **[**and**]**

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

''(i) may not be used for new Phase I or Phase II awards; and

''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''**[**.**]***; and*

(3) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).''.

SEC. 104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2012;''; **[**and**]**

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2013 and 2014;

''(iv) 0.5 percent for fiscal years 2015 and 2016; and

''(v) 0.6 percent for fiscal year 2017 and each fiscal year thereafter.''**[**.**]***; and*

(4) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).''.

SEC. 105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking ''once every 5 years to reflect economic adjustments and programmatic considerations'' and inserting ''every year for inflation''; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting ''(each of which the Administrator shall adjust for inflation annually)'' after ''$1,000,000,''.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON SIZE OF AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

''(A) the amount of each award;

''(B) a justification for exceeding the award amount;

''(C) the identity and location of each award recipient; and

''(D) whether an award recipient has received any venture capital investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies.

''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.

SEC. 106. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASE II AWARDS.—

''(1) AGENCY FLEXIBILITY.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received an award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

''(3) PREVENTING DUPLICATIVE AWARDS.—Before making an award under paragraph (1) or (2), the head of a Federal agency shall verify that the project to be performed with the award has not been funded under the SBIR program or STTR program of another Federal agency.''.

SEC. 107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.

SEC. 108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES IN THE SBIR PROGRAM.—

''(1) AUTHORITY.—Upon a written determination described in paragraph (2) provided to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives not later than 30 days before the date on which an award is made—

''(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by

multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns.

''(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

''(A) induce additional venture capital funding of small business innovations;

''(B) substantially contribute to the mission of the Federal agency;

''(C) demonstrate a need for public research; and

''(D) otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies.

''(4) COMPLIANCE.—

''(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

''(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

''(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

''(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'covered small business concern' means a small business concern that—

''(i) was not majority-owned by multiple venture capital operating companies on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

''(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies.

''(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

''(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, if the covered small business concern meets all other requirements for such an award; and

''(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

''**[**(6)**]***(7)* EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital as a criterion for the award of contracts under the SBIR program or STTR program.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term 'venture capital operating company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(cc) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies to participate in the SBIR program in accordance with section 9(cc) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States, prohibiting large businesses or large entities or foreign-owned businesses or entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 4 months after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies and participating in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies in the SBIR program in accordance with section 9(cc) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company or any other business that the venture capital operating company has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company owns a majority of the portfolio company; or

(II) the venture capital operating company holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company is affiliated with an applicant based solely on one or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) ENFORCEMENT.—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out any activities under section 4(h) of the Small Business Act (15 U.S.C. 633(h)) (as continued in effect pursuant to the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742)) during the period beginning on the date that is 1 year and 1 day after the date of enactment of this Act, and ending on the date on which the final or interim final regulations are issued.

(5) DEFINITION.—In this subsection, the term ''venture capital operating company'' has the same meaning as in section 3(aa) of the Small Business Act, as added by this section.

(d) ASSISTANCE FOR DETERMINING AFFILIATES.—

(1) CLEAR EXPLANATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 111. NOTICE REQUIREMENT.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency; and''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

''(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.''.

SEC. 112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE II AWARDS FOR SBIR OR STTR FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ee) ADDITIONAL PHASE II SBIR AND STTR AWARDS.—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive an additional Phase II SBIR award or Phase II STTR award for that project.''.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 201. RURAL AND STATE OUTREACH.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this subsection.

''(B) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this subsection.

''(C) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this subsection.

''(D) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(E) DEFINITIONS RELATING TO MENTORING NETWORKS.—The terms 'business advice and counseling', 'mentor', and 'mentoring network' have the meanings given those terms in section 34(e).

''(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(3) GRANTS AND COOPERATIVE AGREEMENTS.—

''(A) JOINT REVIEW.—In carrying out the FAST program, the Administrator and the program managers for the SBIR program and STTR program at the National Science Foundation, the Department of Defense, and any other Federal agency determined appropriate by the Administrator shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this subsection based on the factors for consideration set forth in subparagraph (B), in order to enhance or develop in a State—

''(i) technology research and development by small business concerns;

''(ii) technology transfer from university research to technology-based small business concerns;

''(iii) technology deployment and diffusion benefitting small business concerns;

''(iv) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(I) State and local development agencies and entities;

''(II) representatives of technology-based small business concerns;

''(III) industries and emerging companies;

''(IV) universities; and

''(V) small business development centers; and

''(v) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program or STTR program, including initiatives—

''(I) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR or STTR proposals;

''(II) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating

SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 34;

''(III) to create or participate in a training program for individuals providing SBIR or STTR outreach and assistance at the State and local levels; and

''(IV) to encourage the commercialization of technology developed through funding under the SBIR program or the STTR program.

''(B) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this subsection, the Administrator and the program managers referred to in subparagraph (A)—

''(i) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this subsection to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program or STTR program; and

''(ii) shall consider, at a minimum—

''(I) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

''(II) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State or an area of the State, as measured by the number of Phase I and Phase II SBIR awards that have historically been received by small business concerns in the State or area of the State;

''(III) whether the projected costs of the proposed activities are reasonable;

''(IV) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State;

''(V) the manner in which the applicant will measure the results of the activities to be conducted; and

''(VI) whether the proposal addresses the needs of small business concerns—

''(aa) owned and controlled by women;

''(bb) that are socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A));

''(cc) that are HUBZone small business concerns;

''(dd) located in areas that have historically not participated in the SBIR and STTR programs;

''(ee) owned and controlled by service-disabled veterans;

''(ff) owned and controlled by Native Americans; and

''(gg) located in geographic areas with an unemployment rate that exceeds the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

''(C) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this subsection to provide services in any one State in any 1 fiscal year.

''(D) PROCESS.—Proposals and applications for assistance under this subsection shall be in such form and subject to such procedures as the Administrator shall establish. The Administrator shall promulgate regulations establishing standards for the consideration of proposals under subparagraph (B), including standards regarding each of the considerations identified in subparagraph (B)(ii).

''(4) COOPERATION AND COORDINATION.—In carrying out the FAST program, the Administrator shall cooperate and coordinate with—

''(A) Federal agencies required by this section to have an SBIR program; and

''(B) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(i) State and local development agencies and entities;

''(ii) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(iii) State science and technology councils; and

''(iv) representatives of technology-based small business concerns.

''(5) ADMINISTRATIVE REQUIREMENTS.—

''(A) COMPETITIVE BASIS.—Awards and cooperative agreements under this subsection shall be made or entered into, as applicable, on a competitive basis.

''(B) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this subsection shall be—

''(I) except as provided in clause (iii), 35 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 18 States receiving the fewest Phase I SBIR awards;

''(II) except as provided in clause (ii) or (iii), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 16 States receiving the greatest number of Phase I SBIR awards; and

''(III) except as provided in clause (ii) or (iii), 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in subclause (I) or (II) that is receiving Phase I SBIR awards.

''(ii) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(B)(ii)(I) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of clause (i).

''(iii) RURAL AREAS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a rural area.

''(II) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in clause (i)(I), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in the rural area.

''(III) DEFINITION OF RURAL AREA.—In this clause, the term 'rural area' has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.

''(iv) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(v) RANKINGS.—For the first full fiscal year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and each fiscal year thereafter, based on the statistics for the most recent full fiscal year for which the Administrator has compiled statistics, the Administrator shall reevaluate the ranking of each State for purposes of clause (i).

''(C) DURATION.—Awards may be made or cooperative agreements entered into under this subsection for multiple years, not to exceed 5 years in total.

''(6) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this subsection, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 34, including—

''(i) the status of the inclusion of mentoring information in the database required by subsection (k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(7) PROGRAM LEVELS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this subsection and section 34, $15,000,000 for each of fiscal years 2011 through 2016.

''(B) MENTORING DATABASE.—Of the total amount made available under subparagraph (A) for fiscal years 2011 through 2016, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 34(d).

''(8) TERMINATION.—The authority to carry out the FAST program under this subsection shall terminate on September 30, 2016.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 34 (15 U.S.C. 657d);

(2) by redesignating sections 35 through 43 as sections 34 through 42, respectively;

(3) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(4) in section 34 (15 U.S.C. 657e), as so redesignated—

(A) in subsection (c)(1), by striking ''section 34(c)(1)(E)(ii)'' and inserting ''section 9(s)(3)(A)(v)(II)'';

(B) by striking ''section 34'' each place it appears and inserting ''section 9(s)''; and

(C) by adding at the end the following:

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in subsection (c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

''(2) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under section 9(s).

''(3) MENTOR.—The term 'mentor' means an individual described in subsection (c)(2).

''(4) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (c).

''(5) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

''(6) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

''(7) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(8) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).'';

(5) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(6) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(7) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

[SEC. 202. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

[(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as ''STEM college students''), particularly those that are socially and economically disadvantaged individuals, from rural areas, or from areas with high unemployment, as determined by the Administrator, by providing a SBIR bonus grant.

[(b) ELIGIBLE ENTITIES DEFINED.—In this section the term ''eligible entity'' means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

[(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

[(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit to Congress as part of the report under section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) the results of the SBIR–STEM Workforce Development Grant Pilot Program.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[(1) $1,000,000 for fiscal year 2012;

[(2) $1,000,000 for fiscal year 2013;

[(3) $1,000,000 for fiscal year 2014;

[(4) $1,000,000 for fiscal year 2015; and

[(5) $1,000,000 for fiscal year 2016.]

SEC. [203]*202*. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or STTR program'' after ''SBIR program''; and

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(2) in paragraph (2), by striking ''3 years'' and inserting ''5 years''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting ''or STTR'' after ''SBIR''; and

(ii) by striking ''$4,000'' and inserting ''$5,000'';

(B) by striking subparagraph (B) and inserting the following:

''(B) PHASE II.—A Federal agency described in paragraph (1) may—

''(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

''(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.''; and

(C) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. [204]*203*. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking ''PILOT'' and inserting ''READINESS'';

(2) by striking ''Pilot'' each place that term appears and inserting ''Readiness'';

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting ''(including awards under subsection (y))'' after ''the number of awards''.

SEC. [*205*]204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

''(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

''(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(5) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the

Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(6) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(7) DEFINITIONS.—In this subsection—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

SEC. [206]*205*. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 201 of this Act, the following:

''SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH;

''(ii) the Director of the SBIR program of the NIH;

''(iii) senior NIH agency managers, selected by the Director of NIH;

''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).''.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. [207]*206*. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR AWARDEES.—

''(1) DEFINITION.—In this subsection, the term 'covered awardee' means a small business concern that—

''(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

''(B) has not received a Phase II award—

''(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

''(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

''(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.''.

SEC. [208]*207*. CLARIFYING THE DEFINITION OF ''PHASE III''.

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program'' after ''phase'';

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program'' after ''phase'';

(3) in paragraph (8), by striking ''and'' at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(10) the term 'commercialization' means—

''(A) the process of developing products, processes, technologies, or services; and

''(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets;''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking ''scientific review criteria'' and inserting ''merit-based selection procedures'';

(ii) in paragraph (9), by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(iii) by adding at the end the following:

''(11) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(12) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(13) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I''; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesigned by section 201 of this Act, by striking ''third phase'' and inserting ''Phase III''.

SEC. [209]*208*. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the SBIR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''; and

(2) in subsection (o)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the STTR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''.

(b) NIH PEER REVIEW PROCESS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''; and

(B) in subsection (b)(5)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''.

TITLE III—OVERSIGHT AND EVALUATION

SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.

SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State described in subsection (u)(3); and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''.

SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the

STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;''.

SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s); or

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

SEC. 305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''Not later'' and all that follows through ''Act of 2000'' and inserting ''Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

''(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

''(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

''(ii) an abstract of the project;

''(iii) the specific aims of the project;

''(iv) the number of employees of the small business concern;

''(v) the names of key individuals that will carry out the project;

''(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

''(vii) whether the small business concern is majority-owned by multiple venture capital operating companies; and

''(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;'';

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

''(D) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;'';

(G) in subparagraph (E), as so redesignated, by striking ''and'' at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting ''; and''; and

(I) by adding at the end the following:

''(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.''; and

(2) in paragraph (3), by adding at the end the following:

''(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.''.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

''(A) continue the most recent study under this section relating to—

''(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

''(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

''(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2)**[.]***; and*

''(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

''(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

''(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ii) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(jj) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

''(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

''(B) release the contact information of the concern to such organizations.

''(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).''.

SEC. 311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(kk) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

''(1) IN GENERAL.—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

''(A) the administration of the SBIR program or the STTR program of the Federal agency;

''(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

''(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

''(D) carrying out the program under subsection (y);

''(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

''(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

''(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

''(H) carrying out subsection (cc);

''(I) carrying out subsection (ff);

''(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

''(K) funding for additional personnel and assistance with application reviews.

''(2) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

''(3) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 103(2) of this Act, by striking ''shall not'' and all that follows through ''make available for the purpose'' and inserting ''shall not make available for the purpose''; and

(B) in subsection (y), as amended by section **[**204**]** *203*—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking ''shall not make available for the purpose'' and inserting the following: ''shall not—

''(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

''(ii) make available for the purpose''; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

''(4) FUNDING.—

''(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

''(B) LIMITATIONS.—The funds described in subparagraph (A)—

''(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(ii) shall not be used to make Phase III awards.''.

SEC. 312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 314. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the ''Director''), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the ''Committee'') comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies; and

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking ''SIMPLIFIED REPORTING REQUIREMENTS'' and inserting ''REDUCING PAPERWORK AND COMPLIANCE BURDEN'';

(2) by striking ''The Administrator'' and inserting the following:

''(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator''; and

(3) by adding at the end the following:

''(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.''.

TITLE IV—POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE V—OTHER PROVISIONS

SEC. 501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities,

Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;''; and

(2) by adding after paragraph (12), as added by section 111(a) of this Act, the following:

''(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;'';

(2) in paragraph (15), by striking ''and'' at the end;

(3) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ll) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs.

''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

''(A) the SBIR program and the STTR program of the Federal agency; and

''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

''(3) REPORT.—

''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Small Business and Entrepreneurship of the Senate; and

''(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''.

SEC. 503. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(mm) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.

Ms. LANDRIEU. Madam President, I ask unanimous consent that in proceeding to the consideration of S. 493 there be a period of debate until noon.

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

Ms. LANDRIEU. Madam President, I appreciate the cooperation of both leaders to help us get to the floor this morning for a debate on this very important piece of legislation and one that we have actually and, unfortunately, struggled with for the last two Congresses.

The Acting President pro tempore knows, as a member of the Small Business Committee and as a Senator from New Hampshire, how important this piece of legislation is as we continue to fight—and that is what the word is, ''fight''—to create jobs right here at home in America, not just on Wall Street, not just in the fancy places, but on Main Street in our hometowns all over America.

Senator SNOWE and I are on the Senate floor today together, happily, to talk about a bill into which she has put a tremendous amount of time and effort before as the chair of the committee. I serve as the chair of the committee, and she is my very able ranking member. Together our staffs have worked very closely for a long period of time to try to fashion the compromise that is before the Senate today.

I thank the 84, I believe, Members of the Senate who voted for cloture last night. I know the rules of the Senate are strange, still, to many Americans. But we cannot operate without unanimous consent. So it takes an extra special level of cooperation. While we did not get everyone last night to go on the record, we did get the prerequisite number—above 60—to move to this debate. I am hoping our amendment process can be very smooth, that we stay focused on small business-related amendments, that we work in good faith, and, hopefully, in the next couple of days we can get this bill off the floor because this is a job creator.

One of the Senators was here earlier this morning talking about creating an atmosphere for job growth and development. Tax codes do some of that, Federal investments in infrastructure do that, investments in education do that. But one other thing that does it is fashioning Federal programs that work for the job creators of America, and that is what the SBIR Program does and the STTR Program does. It is the Federal Government's largest research and development investment program for small businesses. It was created actually 30 years ago, and the idea developed from one of our outstanding Federal workers.

Roland Tibbetts was a staffer at the National Science Foundation. He took the lead in 1976 in directing a greater and more significant share of the research and development budget of the National Science Foundation and directed it to small business in a new innovation program.

Why did he do this? He did it because from his position, directing a very established and strong research component, he saw the Federal Government giving most of its awards to large businesses. I think—although I have not spoken to him personally; but I most certainly intend to because he has testified before former committees—I am imagining he probably had a heart for actually wanting to find cures for some diseases and realized that not all of that technology and innovation rested with the large companies; that, in fact, there might be small pharmaceutical companies or brilliant scientists in Maine or in New Hampshire or in Louisiana who had discovered or had the potential to discover something that could be transformative. So this staffer said: Let's set aside or direct a small portion, but an important portion, to small businesses. That is how this program began.

I am so pleased with this funding, which only government can do. Only government can do this. There are certain things the private sector does well. They do venture capital when an idea has been proven or when the potential has clearly been established or when the potential is at least clearly established in the mind of one or two individuals—such as the guy who created Facebook or Bill Gates with Microsoft. But mostly great ideas need early, patient capital—very risky, but when it hits, it hits big.

That is what this program does. It sets aside 2.5 to 3 percent of all the research and development budgets of all the Federal agencies ranging from the Department of Defense, which is about $1 billion that would be contributed to this program, down to the smaller agencies, which have maybe up to a couple million dollars in their research budgets. But out of that very pilot-like initiative back in 1976, that was focused on discovering, funding, and evaluating the initial highest risk, most cost-cutting exploratory research that is necessary to achieve significant technological innovations and breakthroughs, this program was created.

Let me share with you what a gentleman who testified before our committee—we have had several hearings on this particular program, and no program is perfect. Let me begin with this: This program is not perfect. But we are perfecting it as we bring this bill to you. We have looked at its weaknesses. We have tried in our reauthorization to correct those, to firm those up. But the gentleman who is actually probably the leading expert on this program, Dr. Wessner, of the National Research Council, recently testified before our committee. He said:

> An important point to keep in mind is [that] you can have really good ideas that die. They will die because they do not have funding.

Not because they do not have potential but because they do not have funding. I would add to this, particularly in this time of recession and tightening back on capital and the closing down of credit card lending: If you think it is normally tough for entrepreneurs and innovators and discoverers and inventors to get capital, it has been a very rocky road in the last year or two. So he said these ideas just die.

He said:

> SBIR brings capital to transform those ideas into innovations. You are not done then . . . but that gets you the innovation and product development and the start of the uptake. . . . The rest of the world thinks this is the greatest thing since sliced bread. . . . The rest of the world is copying it, putting it on steroids, while we are debating it.

That is the point I want to make. We have debated the reauthorization of this legislation for 6 years. The time has come to stop the debate, pass the bill, and recognize this is a world model. No program is perfect. But the wisdom and the importance of setting aside a small portion of the research and development programs of all the Federal agencies, and then to train our workforce and our managers to look out, seek, and find some of the interesting technologies that could be created and grow into big businesses is very forward thinking, and we should be very grateful to Roland Tibbetts and the Senators and Representatives who started this program.

Senator Warren Rudman took this idea, saw this pilot program, and made it a national program. We have him and others to thank for the jobs, the businesses that have been created.

Let me give you one example. The founder of Qualcomm came and testified before our committee. Qualcomm is a very famous business. It developed a lot of technologies that made wireless communications possible. It started 25 years ago in the den of its founder, Dr. Jacobs. He testified before the committee and said basically Qualcomm was just at one time, 25 years ago, an exciting new idea. It was not a company. It was not a business. He and 35 of his colleagues consulted and talked about the new technologies they were seeing. They got an SBIR grant of $150,000, and then they were subsequently awarded, because they developed the idea, to $1.5 million. They got another grant, which are the limits of the program. This program has limits. You have to test your idea, and then you come back for phase II funding.

Well, Qualcomm now employs 17,500 people. They are operating in 22 countries. They paid more in taxes last year to local, State, and Federal governments than 50 percent of the cost of this entire program. So that is one success story. That is what I mean when I say: When it hits, it hits big.

Now, not every company will turn into Qualcomm. But without programs like this, there is what they call a valley of death. There are ideas that are created out of the minds and hearts of Americans who have been well educated, raised to believe that dreams come true, and are encouraged to risk. We are natural risk takers. We have these ideas and these innovations. But what happens is, if there is not that important, early funding to develop that kind of science and technology, in large measure some of these ideas just fall into the valley of death. We are going to catch them. That is what this bill does. It is what it attempts to do.

So as it has grown and developed—and we have reauthorized it over the years—there have been some important changes and improvements.

I am going to recognize the ranking member, but I want to finish up in just a few minutes.

In 1980, the White House Conference on Small Business echoed these sentiments, recognized the value of the program. The end result of the recommendation was this program, as I said, first authored by Senator Warren Rudman. It had 84 cosponsors, 8 of whom are still serving in the Senate: Senator BAUCUS, Senator COCHRAN, Senator GRASSLEY, Senator HATCH, Senator INOUYE, Senator LEAHY, Senator LEVIN, and Senator LUGAR. They all were original sponsors of this bill. I hope they are proud. In their careers they have sponsored many bills. I hope they are proud of this one because it has done its job and it has helped America to continue to honor our entrepreneurs and our inventors.

As I mentioned, Senator Rudman, a Republican from New Hampshire, and once a member of our committee, was the Senate champion for the creation of the SBIR and STTR Programs. He was a true statesman—a man of vision with regard to the importance of technology to our economy. I wish to quote him as we begin this debate:

> The issue addressed in Senate bill 881—
>
> The bill at the time—
>
> is one which plays an underlying role in the ability of this Nation to maintain its security to achieve energy independence, increase productivity, and preserve the quality of life we all enjoy. Our national strength and confidence in these areas depend upon maintaining a leading role in technological superiority.

That is what he said in his opening statement at the Senate Subcommittee on Innovation and Technology on June 30, 1981.

Senator SNOWE was in the House at the time. She was a Congresswoman when President Reagan signed this legislation, creating it in 1982. She quoted from President Reagan. I know she will probably remember this and I think it is worth repeating:

> Our nation is blessed with two important qualities that are often missing in other societies, our spirit of entrepreneurship and our capacity for invention and innovation. These two elements are combined in the small businesses that dot our land.

I am proud to bring this bill to the floor. It has had extraordinarily positive and noble champions since its beginning. As I said, no program is perfect, but we have tried in this reauthorization to look at the places where the program is weak and strengthen it. I will go through some of those details in the latter part of the afternoon. But for an overview this morning, I wanted to give more of a historical context of this bill, and to thank the Members for moving so quickly at our request to the bill.

I look forward to the debate. I hope Members will be responsible in offering their amendments. I know the time for debate on the floor is precious. We wish to limit debate to be focused around the principles, at least, and the details of this bill as best we can so we can get this program reauthorized. Then we can continue to be the leaders in cutting-edge innovation, and the Federal Government can do its part—an important part—that venture capitalists can't do, big banks don't want to do, investment bankers aren't made to do, and small community banks don't do in this kind of lending. Only patient, directed capital can give that boost over the valley of death and create that bridge so small businesses and our scientists and engineers can walk over it safely.

I wish to recognize at this time my ranking member and thank her for her support of this legislation from its beginning and her championship to this day.

For clarification purposes, the time until noon will be for debate only and no amendments until after lunch.

I yield to Senator SNOWE.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Maine.

Ms. SNOWE. Mr. President, first I wish to commend the Chair of the Small Business Committee. She has done an extraordinary job in bringing this legislation to the floor in a bipartisan fashion, which I think is so essential to ensuring the passage of this legislation which, suffice it to say, has been long overdue. It has been on a long journey since 2008 in terms of extensions and reextensions, but we have never been able to accomplish a reauthorization for a variety of reasons which I will explain later in my statement. But I do wish to congratulate the Chair for working mightily on both sides of the aisle and in the committee, accommodating bipartisanship by allowing the new members of the committee—particularly on our side of the aisle where we have five new members of the committee—who were not able to have the opportunity to review this legislation as new Members of the Senate because we had passed this unanimously in the last session of Congress. So she did hold a hearing and a markup to accommodate those views and give them a chance to review this legislation as well as to amend it in the committee. I know some of the Members will have amendments they will offer on the floor as well. So I wish to thank the Chair for accommodating those various issues and the members of the committee as they attempted their new duties as members of the Small Business Committee.

I also wish to thank the Chair for working through these issues diligently, because these are two critical programs, as she indicated in her opening statement, that are crucial to small businesses, but also important to innovation in America.

Reauthorizing both the SBIR and the STTR Programs represents a profound opportunity for us to reaffirm the truth in the optimistic vision of America that indeed it is small businesses that are going to make the contributions not only for job creation but through their innovation and inventions, as the Chair mentioned, with President Reagan's comments many years ago. That is why I am very excited about reauthorizing these programs, which foster an environment of innovative entrepreneurship by directing more than $2 billion annually in Federal research and development funding to the Nation's small firms most likely to create jobs and commercialize their products.

Small businesses are our Nation's job generators, employing more than half of all private-sector employees and creating 64 percent of the net new jobs over the past 15 years. They also represent 99.7 percent of all employer firms. Furthermore, small businesses are our Nation's most effective innovators, producing roughly 13 times more patents per employee than large firms—patents which are at least two times as likely to be among the top 1 percent of high-impact patents. Recipients of both of these programs have produced more than 85,000 patents and have generated millions of well-paying jobs across all 50 States. It is crucial, then, that both of these programs—one of the strongest examples of a successful public-private partnership—be a key part of our job creation agenda.

The SBIR program got its start at the National Science Foundation back in 1976 following growing concerns that small businesses were not receiving an adequate share of Federal research and development funding despite their prominent role in innovation. It was officially established in law as part of the Small Business Innovation Development Act of 1982. As the Chair indicated, I was an original cosponsor in the House—hopefully that is not dating myself too much—which set four goals for the program: stimulate technological innovation; use small business to meet Federal R&D funds; foster and encourage participation by minority and disadvantaged persons in the technological innovation; and increase private-sector commercialization of innovation derived from Federal R&D.

The STTR program was established in 1992 to complement the SBIR program by stimulating partnerships between small businesses and nonprofit research institutions such as universities and research laboratories. Together, these vital job creation programs have provided small firms with over $28 billion during their lifespans.

These programs have been front and center in improving our Nation's capacity to be innovative. According to a report by the Information Technology and Innovation Foundation, SBIR-backed firms have been responsible for roughly 25 percent of the Nation's most crucial innovations over the past decade—''a powerful indication that the SBIR program has become a key force in the innovation economy of the United States.''

Furthermore, a comprehensive 2008 National Academy of Sciences study of the SBIR program noted that more than 20 percent of companies responding to their survey noted they were founded entirely, or at least in part, because of a prospective SBIR award, and a full two-thirds said the projects they performed would not have taken place without the funding. Just under half of the projects pursued in the SBIR program reached the marketplace, bringing countless new innovations to our everyday lives. Additionally, the study noted that over one-third of the companies awarded SBIR funding participate in the program for the first time each year, thus . . . ''encouraging innovation across a broad spectrum of firms.'' It concludes that SBIR is ''sound in concept and effective in practice.''

In fact, there is a wide range of remarkable success stories associated with the SBIR program, including Qualcomm, which the Chair mentioned, which is a remarkable story. Qualcomm received roughly $1.5 billion in SBIR grants to pursue several innovative programs and develop breakthrough technologies. Now it employs 17,500 individuals worldwide with an annual revenue of $11 billion. In fiscal year 2010 alone, Qualcomm paid $1.4 billion in Federal, State, and local taxes—a significant return on investment.

Another example of SBIR's success is LASIK eye surgery. The company behind the technology for the procedure received SBIR awards from both NASA and the Department of Defense. In the 1980s, NASA awarded funding for a project developing technology for

docking of space vehicles to satellites by pointing laser beams. This concept was then applied to develop LASIK, which corrects vision problems.

The technology that went into the Sonicare electronic toothbrush was funded by an SBIR award. According to NIH, which made the award, SBIR funding allowed the firm that developed the technology to create a $300 million business, employing over 500 individuals.

In my home State of Maine, Tex Tech Industries has researched and developed high-tech textiles that are used in body armor for U.S. troops and bulletproof vests for public safety personnel. Tex Tech also developed a fire-resistant material to be used as the primary fire barrier in the seating cabins of new commercial aircraft.

Additionally, BioSciCon in Maryland is responsible for the MarkPap system, which is a diagnostic device that tests for cervical cancer and can be used as a research tool to improve cervical cancer screening.

Other companies such as Symantec, which makes antivirus software for computers, and Genzyme, one of the world's leading biotechnology firms, all received SBIR funding at some point during their formative years. Some of these firms are now household names; others are still small businesses with a plethora of novel ideas.

As these examples demonstrate, SBIR funding has helped small businesses nationwide develop incredible breakthrough technologies for a whole host of applications. These are innovations we use in our everyday lives, that help strengthen our national defense, improve our health, and boost our competitiveness. Regrettably the SBIR program expired in September 2008 and has been subject to a series of 10 short-term, temporary extensions since then, plaguing the programs with uncertainty and potentially dissuading some of our Nation's most promising firms from participating in them. This is legislation that our committee has worked to have signed into law for nearly 6 years—since the time, in fact, when I was chair of the committee. Indeed, we passed legislation out of the Small Business Committee unanimously in 2006 to preempt this stalemate by making improvements to the program and doubling the SBIR allocation from 2.5 percent to 5 percent over 5 years, and doubling the STTR allocation immediately.

Last Congress, with our Chair, we once again passed legislation out of our committee unanimously which was very similar to the bill we reported out in the previous Congress. Specifically, it maintained the allocation increases spread out incrementally that had been developed in the previous Congress as a compromise, as well as the 18-and-8 compromise on the venture capital issue. This time, the full Senate passed the legislation unanimously and sent it to the House of Representatives, where the bill sat.

The legislation we are debating today is very similar to the bill we passed out unanimously 3 months ago. But we have already wasted too much time over the past several years, and it is now vitally critical that we act now and pass this legislation to provide these crucial innovation initiatives with certainty for the future. As the U.S. Chamber of Commerce has noted:

> [E]ven though this important program for the small business has a proven track record of success, its full potential has been held hostage by a series of short-term reauthorizations which has created uncertainty for SBIR program managers and limitations for potential small business grant recipients.

As in the previous two Congresses, our legislation increases the allocation for SBIR from 2.5 percent of an agency's extramural research and development to 3.5 percent for over 10 years, and doubles the STTR allocations from 0.3 to 0.6 percent over 5 years. This means the Federal Government can make more awards to a greater number of small businesses out of its existing research and development budget. It would also codify increased award sizes of $150,000 for phase I and $1 million for phase II in the SBIR program, and apply those levels to the STTR program as well to adjust for inflation. The last statutory increase in award sizes for the SBIR program was 19 years ago as part of the 1992 reauthorization.

It is critical that we bring the program into the 21st century to acknowledge the growing costs of quality research.

Furthermore, in December, Chair LANDRIEU and I sent a letter to SBA Administrator Karen Mills stating that rooting out fraud and abuse in the agency's program will be our committee's first priority this Congress. To that end, this bill includes stringent oversight and fraud prevention measures, requiring inspectors general of participating Federal agencies to establish fraud detection measures.

In a similar vein, the legislation includes a series of data-collection provisions that we worked on with Senator COBURN to ensure we have a better base of information to use when considering future policy changes to the programs and engaging in necessary oversight.

This reauthorization act contains an unprecedented compromise on the venture capital issue which has long bogged down any serious progress in reauthorizing these valuable programs. It would make firms majority owned by multiple venture capital companies eligible for up to 25 percent of SBIR funds at the National Institute of Health, National Science Foundation, and Department of Energy, and up to 15 percent of the funds at the remaining agencies. My longstanding guiding principle on reauthorization of these programs has been simple: These are small business programs, not big business programs or venture capital programs. I have worked closely with Chair LANDRIEU to ensure changes we make to these programs keep it squarely as a small business program. The unprecedented landmark compromise on the venture capital issue passes this test. Our compromise has the backing of diverse stakeholders, from the U.S. Chamber of Commerce, NFIB, Small Business Technology Council, to the Biotechnology Industry Organization, the National Venture Capital Association, and a whole host of other organizations, as we can see on this chart.

It is critical to note that funding for both of these programs is meant to serve as early-stage seed capital for eligible small businesses. In general, venture capital companies invest in firms that are further along in their development and commercialization, and they focus on larger investments that are easier to manage than is normally appropriate for many small, innovative technology firms. Nonetheless, particularly for firms in the biotechnology industry, venture capital investment is essentially a necessity to commercialize their technology.

Here is what some of the groups endorsing our legislation have to say about the compromise we arrived at. Mr. President, I ask unanimous consent to have printed in the RECORD letters of support we have received regarding this legislation, as well as the report from the Information Technology and Innovation Foundation I referenced earlier.

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

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, March 8, 2011.

Hon. MARY L. LANDRIEU,
Chairwoman, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

Hon. OLYMPIA J. SNOWE,
Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR CHAIRWOMAN LANDRIEU AND RANKING MEMBER SNOWE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports S. 493, the ''SBIR/STTR Reauthorization Act of 2011,'' which, if enacted into law, would unleash the innovative talents of our nation's entrepreneurs to help create jobs and revive the economy.

The Small Business Innovative Research Program (SBIR) serves as an important avenue by which agencies harness the creativity and ingenuity of small business to meet specific research and development needs of the Federal government. In effect, this program requires federal agencies with a certain level of research dollars to give a small percentage of those dollars to small businesses through a competitive grant process.

Even though this important program for small business has a proven track record of success, its full potential has been held hostage by a series of short-term reauthorizations which has created uncertainty for SBIR program managers and limitations for potential small business grant recipients. This landmark compromise bill, if passed into law, would unlock the door for entry for businesses that acquire equity funding

through venture capital firms without diminishing the programs effectiveness for traditional small businesses, thus setting the stage for a robust and revitalized SBIR program.

Ninety-six percent of the Chamber's members are small businesses with fewer than one-hundred employees. On behalf of our smaller members, we thank you for introducing the ''SBIR/STTR Reauthorization Act of 2011'' and look forward to working with you to expeditiously pass it into law.

Sincerely,

R. BRUCE JOSTEN.

CONNECT,
Washington, DC, March 8, 2011.

Hon. MARY LANDRIEU,
Hon. OLYMPIA SNOWE,
U.S. Senate, Small Business and Entrepreneurship Committee, Russell Senate Office Building, Washington, DC.

DEAR CHAIR LANDRIEU AND RANKING MEMBER SNOWE: As the Committee meets to markup S. 493—the SBIR/STTR Reauthorization Act of 2011, I write to introduce you to CONNECT and to encourage the Committee's support of S. 493 since the bill will have a positive impact in the formation of start-up technology companies. The formation of such companies will create jobs and help rejuvenate the American economy. We appreciate your strong and consistent leadership in shepherding previous versions of this reauthorization through the Committee and the Senate floor.

CONNECT is an innovation accelerator with the mission to assist entrepreneurs in their efforts to propel creative ideas and emerging technologies to the marketplace. As a regional innovation development organization, our commercialization efforts in Southern California span the spectrum of technologies from IT, wireless health, software, clean energy, environmental, life sciences/biotech, defense and security, and sports/action technologies. Over the last 25 years, CONNECT's commercialization capacity-building model has helped over 2,000 start-ups and has been replicated in numerous U.S. cities, states and regions, as well as overseas.

From our experience, CONNECT knows that the Small Business Innovation Research and Small Business Technology Transfer programs can be advantageous to start-up formation, thus CONNECT's interest in S. 493 is profound. Because acquiring funding through traditional lending sources continues to prove difficult in today's tight credit market, SBIR/STTR grants provide tech start-up companies another viable chance to compete for early-stage funding.

We recognize the delicate balance that S. 493 strikes related to the issue of venture-backed applicants and are grateful for the efforts made to reach an agreement. However, we encourage the Committee to explore a more robust approach that would increase the percentage of funds available to VC-backed applicants because such applicants provide extra value to the American taxpayer. Given that venture capital firms conduct extensive due diligence reviews before investing, venture-backed applicants have already demonstrated a strong business plan by which to break into an industry sector. In this time when the federal dollar needs to return revenues to the Treasury, allowing for more VC-backed applicants increases the likelihood that SBIR/STTR funds will create new jobs and grow companies in a way that will generate new tax revenue.

The Committee is right on point in proposing to increase award amounts and adding new data collection, reporting requirements, and performance metrics to ensure the SBIR/STTR missions are being upheld. Although the SBIR program allocation increase of 1% is critically important, such allocation presents another opportunity for the Committee to explore a more robust expansion. Because the 1% increase is spread evenly over 10 years, further adjusting the increase would give stakeholders plenty of notice to plan accordingly.

As the bill moves to the floor, we'd like to suggest one new proposal that could be added to a Manager's Amendment. We continue to hear that one of the major costs that start-ups face are the legal costs to secure intellectual property rights through the patent and trademark application process. Because IP is indispensable for a start-up's growth, the Committee should consider allowing a percentage of Phase I awards (possibly up to one third) to be directed toward IP acquisition.

Again, thank you for your work to advance the cause of SBIR/STTR reauthorization. We are ready to assist you, your staff, and other Committee members as the bill moves onto the Senate floor.

Best wishes,

TIMOTHY TARDIBONO,
Director of Public Policy.

DAWNBREAKER®
Rochester, New York, March 8, 2011.

Hon. MARY L. LANDRIEU,
Chairwoman, U.S. Senate, Committee on Small Business and Entrepreneurship, Russell Senate Office Bldg., Washington, DC.
Hon. OLYMPIA J. SNOWE,
Ranking Member, U.S. Senate, Committee on Small Business and Entrepreneurship, Russell Senate Office Bldg., Washington, DC.

DEAR CHAIRWOMAN LANDRIEU AND RANKING MEMBER SNOWE: I am writing to express my support for S. 493, the ''SBIR and STTR Reauthorization Act of 2011.'' In 2008, the National Research Council completed a comprehensive assessment of the SBIR program and found the program to be, ''sound in concept and effective in practice.'' Reflecting the sentiment of the NRC study, S. 493 preserves the program's concept and improves its effectiveness.

This legislation ensures the economic engine of our nation—small businesses—will have access to a larger share of federal research funding. This is timely and necessary given the fragile state of our economy. These programs play a critical role in our innovation ecosystem by providing important competitively awarded seed funding for promising innovative ideas. With proper nurturing, these ideas will grow into engines of economic growth and the solutions for tomorrow's most pressing technological challenges.

Dawnbreaker is a small women-owned business and we have had the great fortune to work side-by-side with more than 3,000 SBIR recipients since 1992. We consistently hear from SBIR awardees about the need for increased award levels so they can further the maturation of their technologies; more efficient program management across the agencies; and, the need for additional commercialization support—this bill remedies these concerns and accomplishes a lot more.

S. 493 ensures that our nation's most important small business research and development program will continue while operating more efficiently. Dawnbreaker supports S. 493, and we thank you both for your efforts to see this deserving program reauthorized and improved.

Sincerely,

JENNY C. SERVO,
President.

SMALL BUSINESS CALIFORNIA,
San Francisco, CA, March 8, 2011.

Hon. MARY LANDRIEU,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: Small Business California supports greater private sector participation in the market for Federal Research and Development, and especially increased engagement of small businesses through open, merit-based, and competitive bidding.

The R&D dollars spent at small business deliver outsized returns. As of 2005, the Small Business Innovation Research (SBIR) program has created over 87,000 patents. Overhead rates at many small companies are 1/2 to 1/3rd of the administrative costs typical of larger organizations.

The employment of scientists and engineers at small companies has grown rapidly over the last 20 years, now accounting for more than 50% of scientists and engineers in the United States. Nothing could be more critical to the competitiveness of the United States than to open the Federal marketplace to participation by the fastest growing and the most productive sector of the economy, America's small businesses.

Small Business California is therefore pleased to support S. 493 to reauthorize the highly successful SBIR program.

Sincerely,

SCOTT HAUGE,
President.

NATIONAL DEFENSE INDUSTRIAL ASSOCIATION,
Arlington, VA, March 8, 2011.

Hon. MARY L. LANDRIEU,
United States Senate, Senate Committee on Small Business and Entrepreneurship, Washington, DC.

DEAR MADAM CHAIRWOMAN: On behalf of the 1,743 corporate members and over 87,755 individual members of the National Defense Industrial Association (NDIA), I am writing to express our support for S. 493, the SBIR/STIR Reauthorization Act of 2011.

Small business represents about two thirds of NDIA's total membership and we regard the SBIR program as the nation's most viable tool in leveraging small business resources that employ about half of the U.S. workforce. American small businesses currently employ more than half of all U.S. scientists and engineers, yet have access to less than five percent of government research and development funds. One critical access point to those funds is the SBIR Program. SBIR awards have led to important developments in technologies that directly supported our war fighters.

As I have previously testified before Congress, NDIA has a laser focus on American competitiveness in a global defense industry that increasingly challenges our members for primacy. We have therefore concluded that small business resources offer our defense industry the competitive advantages needed in these especially difficult economic times.

Madam Chairwoman, NDIA and its member companies support S. 493 and urge the Senate to consider this bill as promptly as possible. We thank you for your leadership and commitment to work in support of small businesses.

If NDIA can be of any further assistance, please feel free to have a member of your staff contact Mr. Peter Steffes, Vice President Government Policy for NDIA.

Sincerely and respectfully,

LAWRENCE P. FARRELL, JR.,
Lt. General, USAF (Ret), President and CEO.

THE NEW ENGLAND INNOVATION ALLIANCE,
March, 7, 2011.

Hon. MARY L. LANDRIEU,
Chair, Committee on Small Business & Entrepreneurship, United States Senate, Washington, DC.

DEAR SENATOR LANDRIEU: The New England Innovation Alliance represents scores of small high technology businesses with a vital interest in the SBIR and STTR programs. We know that you understand how important this program is in creating advanced technologies, products and jobs. However, SBIR and STTR have been operating under ten continuing resolutions since 2008. It is scheduled to expire on May 31, 2011. This uncertainty has adversely affected small business and the SBIR/STTR program, and it needs to be reauthorized immediately.

It should be noted that NEIA companies have worked closely with university researchers across the country, providing over $50M in subcontracts to more than 60 universities over the past five years. We believe that small high tech companies and the SBIR/STTR program provide the ideal bridge from academia to the marketplace, while providing future employment to tens of thousands of science and engineering graduates.

The New England Innovation Alliance supports the passage of Senate Bill S. 493.

Respectfully,

ROBERT F. WEISS,
Chairman.

NATIONAL VENTURE CAPITAL ASSOCIATION,
March 8, 2011.

Hon. MARY L. LANDRIEU,
Chairwoman, Senate Small Business Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. OLYMPIA J. SNOWE,
Ranking Minority Member, Senate Small Business Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS LANDRIEU AND SNOWE: On behalf of the National Venture Capital Association (NVCA) and its members, I am writing in support of Senate passage of S. 493, the SBIR/STTR Reauthorization Act of 2011, which reauthorizes the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs. This legislation represents a fair compromise to ensure that America's most innovative small businesses can once again have access to existing government incentives to grow jobs by commercializing new discoveries.

In particular, NVCA supports the bill's provisions allowing greater access to SBIR funds for majority owned venture-backed small businesses and fixing the affiliation rules to ensure these companies will be able to once again participate in the program. Many small businesses that are developing truly disruptive innovations rely on venture capital investment to help bring breakthrough products to market and grow U.S. jobs. The legislation will correct a regulatory interpretation made by SBA in 2003 which revoked the eligibility of many venture-backed companies from participating in the program. This compromise will help to ensure that small U.S. venture-backed companies have increased access to capital for meritorious cutting-edge early-stage research.

At a time when our country needs to build new businesses, the venture capital industry believes that the best use of government dollars is to leverage public/private partnerships and we are committed to working with the government to bring a steady stream of innovation and economic value to market. S. 493 is a positive step forward to allow venture-backed companies to have a fair chance to thrive under the SBIR program alongside non-venture-backed counterparts. Doing so will only strengthen the future success of the program.

For these reasons, I hope the Senate will move quickly and pass S. 493, the SBIR/STTR Reauthorization Act of 2011, and work with the House on an appropriate compromise prior to the May 31, 2011 reauthorization deadline.

Sincerely,

MARK G. HEESEN,
President.

SMALL BUSINESS TECHNOLOGY COUNCIL,
March 7, 2011.

Hon. MARY LANDRIEU,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: As the nation's largest tech-oriented small business organization representing diverse industries, the Small Business Technology Council (SBTC) would like to express its support on behalf of its members for S. 493, ''The SBIR/STTR Reauthorization Act of 2011''. This bipartisan legislation is the result of years of negotiations and compromise between both parties and the many organizations that have a stake in this program. It is thanks to the hard work and leadership of yourself and Ranking Member Snowe that an agreement between those stakeholders was finally reached.

The Small Business Innovation Research (SBIR) Program is one of the most successful innovation programs in the country, providing technology-oriented small businesses with seed-stage R&D funding that they otherwise would not have access to. It has been praised by multiple studies from the National Academies of Science, and has inspired similar programs in foreign countries such as the UK, Japan, South Korea, and the Netherlands. Not only does this program spur technological innovation and entrepreneurship, it helps create high-tech jobs, and does so without increasing Federal spending.

This program is currently under its 10th continuing resolution, and is set to expire on May 31, 2011. While most agree this is a good program that deserves to be reauthorized, disputes over what should be in the reauthorization legislation and proposed changes to the program have held it up until now. Those disputes have finally been resolved, and the current legislation is supported by all stakeholders. It has been over two years since the last reauthorization period ended, and after years of uncertainty and short-term continuing resolutions, the SBTC asks all Senators to support S. 493, and urges the swift passage of this important legislation.

Sincerely,

JERE W. GLOVER,
Executive Director.

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
Washington, DC, March 7, 2011.

Hon. MARY LANDRIEU,
Chair, U.S. Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

Hon. OLYMPIA SNOWE,
Ranking Member, U.S. Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR CHAIR LANDRIEU AND RANKING MEMBER SNOWE: On behalf of the Biotechnology Industry Organization (BIO) and our more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organizations, I am writing in support of S. 493, legislation to reauthorize the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) programs. This bill represents a balanced approach to ensure that America's most innovative small businesses can access existing incentives to grow jobs by commercializing new discoveries. As such, I commend you for your introduction of S. 493 and I urge the committee to favorably report the legislation to the full Senate for prompt consideration.

In particular, I am writing in support of the bill's provisions allowing greater access to SBIR funds for small businesses reliant upon venture capital financing. Small biotechnology, medical device and other life sciences firms increasingly rely on venture capital investments to fund research and development. The legislation will correct a regulatory interpretation made by SBA in 2003 which revoked the eligibility of many venture capital-reliant small companies from participating in the SBIR and STTR programs over the last several years. This provision will ensure that many of America's most innovative small businesses are not excluded simply because of how they raise capital and can once again compete in the SBIR and STTR programs based on scientific merit. The legislation will help to ensure that small, U.S. biotech companies have increased access to capital for meritorious cutting-edge, early-stage research.

Small biotechnology companies face the constant challenge of raising sufficient capital to fund biomedical research. This funding shortage is most acute for research projects at the earliest stages, exactly the point at which SBIR funds can be most productive in fostering science and innovation. By filling this market gap, SBIR funds have helped small biotechnology companies continue lines of medical research that might otherwise go unfunded. The legislation will increase access to critical, early-stage sources of funding for small businesses, including small biotechnology firms, thus facilitating economic growth, job creation, new breakthrough therapies for patients in need, and American economic competitiveness in the global economy. This is exactly the intent of the SBIR program, as created in 1982.

S. 493 represents a compromise to ensure that America's small businesses remain at the forefront of global innovation. While the legislation does not give any single interested party in the debate over reauthorization all that it might want, the legislation creates a framework that will help move the process forward and will hopefully ensure that SBIR reauthorization is enacted into law this year. The bill recognizes that the Small Business Innovation Research (SBIR) Program—last reauthorized in 2000—plays an important role in the development of new breakthrough therapies to improve human health, and must be updated to reflect the new realities facing America's small businesses in the 21st Century.

For these reasons, I urge the committee to favorably discharge S. 493 so that it can be passed promptly by the Senate.

Sincerely,

JAMES C. GREENWOOD,
President and CEO.

WHERE DO INNOVATIONS COME FROM? TRANSFORMATIONS IN THE U.S. NATIONAL INNOVATION SYSTEM, 1970–2006

(By Fred Block and Matthew R. Keller)

How should the United States craft policies that effectively spur technological innovation? With increasing competitive challenges from other nations, particularly in technology and innovation-based sectors

once thought to be largely immune from foreign competition, there is increasing interest in crafting policies to help spur innovation. But if innovation policies are to be effective, it's critical that they be based on an accurate understanding of the U.S. innovation system—in particular, an understanding of where U.S. innovations come from. This report does this by analyzing the sources of award-winning innovations over the past few decades. It finds that the sources of these innovations have changed in two key ways. First, large firms acting on their own account for a much smaller share of award-winning innovations, while innovations stemming from collaborations with spin-offs from universities and federal laboratories make up a much larger share. Second, the number of innovations that are federally-funded has increased dramatically. These findings suggest that the U.S. innovation system has become much more collaborative in nature. Federal innovation policy needs to reflect this fact.

ANALYSIS OF DATA ON FUNDING OF INNOVATIONS

The growing weight of public institutions as the source of U.S. innovations that win R&D 100 Awards and the growing role of interorganizational collaboration in U.S. innovations are suggestive that public funding has become steadily more important to the U.S. innovation process in recent years. Nevertheless, it is necessary to probe a bit further, because the U.S. firms coded as ''private'' are sometimes recipients of federal funding—sometimes for the precise R&D activity that wins the award.

Back in the 1970s, for example, some of the laboratories of the Fortune 500 firms that were frequent R&D 100 Award winners received substantial amounts of direct federal funding. And in the more recent period, there has been a proliferation of programs through which government agencies support private sector R&D. An example of the latter is the growing importance of Small Business Innovation Research (SBIR) firms among the award winners.

The SBIR program, established in the 1980s, is one of the most important mechanisms through which the federal government supports smaller innovative firms, including the firms that we have labeled as supported spinoffs. The SBIR program is a set-aside program; all government agencies that finance a large amount of R&D must set aside 2.5 percent of their R&D budgets for projects that originate with small businesses. The program awards up to $750,000 in no strings support for projects in Phase I and up to $1.5 million for Phase II projects that have shown significant progress in meeting the initial objectives. Some of the SBIR firms have now been in existence for 20 or more years, and at least one has grown to become a Fortune 500 firm.

Figure 6 shows the total number of past and present SBIR winners among winners of R&D 100 Awards.

The results show that these SBIR-nurtured firms consistently account for a quarter of all U.S. R&D 100 Award winners—a powerful indication that the SBIR program has become a key force in the innovation economy of the United States.

Figure 7 shows a more comprehensive measure of the role of federal financing of R&D 100 Award winners in the United States in 1975 and in 2006. The bottom part of the bar graph for each year shows the number of award-winning innovations from public sector entities in the United States that rely heavily on federal funding. As indicated earlier, the number of award-winning innovations from public sector entities increased dramatically from 14 in 1975 to 61 in 2006.

The top part of the bar graph for each year in Figure 7 shows the number of Fortune 500 and ''other'' U.S. firms that received at least 1 percent of their revenues from the federal government. The 1 percent screen picks up both large defense contractors and firms that have received substantial federal grants to support their R&D efforts. In 1975, 23 innovations that won R&D 100 Awards were developed by private firms in the United States that received at least 1 percent of their revenues from federal support. Prominent among these firms was General Electric, which developed nine of the award-winning innovations that year.

There is evidence that in 2006. the federal government directly funded three of the five private collaborations in the United States that produced innovations that received R&D 100 Awards. Of the 20 ''other firms'' that won awards in 2006, 13 had federal support above the 1 percent threshold and we were able to link the federal money directly to the specific innovation that received the award. Hence, 16 of these ''private'' innovations count as federally funded. The overall result in Figure 7 is that the number of federally funded innovations rises from 41 in 1975 to 77 in 2066.

In 2006, only 11 of the U.S. entities that produced award-winning innovations were not beneficiaries of federal funding. And even among this group of 11, there were some ambiguous cases. Dow Automotive won an R&D 100 Award for its work in developing an adhesive used with composite auto parts that was installed in Volkswagen cars. But a few years earlier, Dow had been a beneficiary of a substantial grant from the Advanced Technology Program in the Department of Commerce that was designed to accelerate the use of composites in automobiles. Two other winning firms—Brion Tech and MMR Technologies—were recent spinoffs from Stanford University, but since the firms had not received federal support, they were not coded as ''supported spinoff''; however, it is likely that the professors behind the companies received federal research grants while at Stanford. Finally, we were unable to ascertain whether any of those remaining firms received research support from federal laboratories.

In short, Figure 7 probably understates the magnitude of the expansion in federal funding for innovations in the United States that R&D 100 Awards between 1975 and 2006. After all, in 1975, we counted innovations as federally funded even if support was not going to the specific unit of the firm that was working on a particular innovation. For 2006, however, a demonstration of federal support required showing that the federal funds were going to the same unit that was responsible for the particular technology that won the award.

The fundamental point is that even in the period that Fortune 500 corporations dominated the U.S. innovation process, they drew heavily on federal funding support. If one is looking for a golden age in which the private sector did most of the innovating on its own with federal help, one has to go back to the era before World War II. Nevertheless, over the last 40 years, the R&D 100 Awards indicate a dramatic increase in the federal government's centrality to the innovation economy in the United States. In the earlier period, U.S. technology policies were almost entirely monopolized by the military and space programs. More recently, a wide range of federal agencies that are not part of the Department of Defense are involved in supporting private sector R&D initiatives. Key agencies now include the Department of Commerce, Department of Energy, National Institutes of Health, Department of Agriculture, National Science Foundation, and Department of Homeland Security. In addition, over the last 20 years, state governments have become much more involved in technology policy, with many, if not all states funding technology-based economic development activities. To the extent that state programs help small firms or university and federal lab innovations, their role would not be picked up in this analysis.

DISCUSSION

Back in 1887, Thomas Edison built an invention factory that has long been seen as the inspiration for the rise of the corporate research labs established by large U.S. firms during the 20th century. Our analysis suggests that although large corporations in the United States emulated Edison's model for decades, this pattern became much weaker after the corporate reorganizations of the 1970s and 1980s. Thus, the ''era of Edison'' did not last the full century.

It is not clear why the relative role of Fortune 500 companies in the U.S. innovation system has declined. We can hypothesize three factors. First, it seems likely that big corporations facing relentless pressures from the financial markets have been forced to cut back on expenditures that do not immediately strengthen the bottom line. In some cases, corporate cutbacks have meant eliminating laboratories altogether; in other cases, such cutbacks have meant reducing expenditures on early stage technology development that is often both expensive and risky and is more likely to lead to the kind of radical breakthroughs that win awards like the ones analyzed here

A second factor that may be involved in the decline in Fortune 500 companies in the U.S. innovation system is that several factors, including the rise of computers and the Internet, have made it much easier for small firms to enter markets previously dominated by large firms. Many technologies today require less capital-intensive production processes (e.g., software), making it possible for small firms to innovate the technologies for which they received R&D 100 Awards. In other industries (e.g., biopharmaceuticals), small, innovative companies can contract out manufacturing (e.g., of new drugs). Because small and mid-sized firms can now better compete in product markets, they have dramatically increased their R&D investments. In fact, while the ratio of R&D investments to U.S. gross domestic product more than doubled between 1980 and 2000, almost all of that increase was due to increased R&D investments by small and mid-sized firms with fewer than 5,000 employees. Moreover, large firm R&D may now be more focused on improving existing product lines, as opposed to generating radically new innovations.

The third factor that may have contributed to the decline of Fortune 500 companies dynamic is a change in the employment preferences of scientists and engineers. As the employment landscape has shifted, it seems quite possible that many talented scientists and engineers have voted with their feet and have left work in corporate labs in favor of work at government labs, university labs, or smaller firms. More research is necessary to tease out the causes.

But returning to the history of the Edison lab suggests a longer term and more structural explanation for the recent shifts in the U.S. innovation system that we have uncovered. Revisionist scholars have discovered that Edison's laboratory actually operated differently from the corporate labs of the 20th century. It is true that Edison assembled a team of scientists and engineers that had built up considerable expertise in working with electrical devices—but Edison's team divided its time between internal

projects and external projects. The Edison laboratory did extensive contract work for other firms, helping them develop solutions to particular problems that their industry faced. Edison's employees worked closely with employees with technical knowledge from those other firms.

The argument by revisionist historians is that the extraordinary productivity of the Edison labs was a result of the systematic interaction between Edison's team and other groups of experts with very specific types of knowledge. When U.S. corporations sought to emulate Edison's model in the 20th century, though, they built elaborate laboratories that tended to cut their in-house technologists off from these systematic encounters with experts in other organizations. This choice fit with the model of the corporation that was exemplified by Henry Ford's decision to produce his own steel at the River Rouge plant. The idea was that bringing these activities, including R&D, fully in-house maximized management's ability to deploy the organization's resources.

What we have found in the United States at the end of the 20th century, though, is basically a return to Edison's model—with successful research organizations; public. or private, developing a highly productive mix of internal and external projects. There appear to be an increasing number of private sector research laboratories that combine their own internal projects—often funded with federal money—with contracted research for other firms. Some of their innovations show up as a winners of R&D 100 Awards.

CONCLUSION

These findings suggest that the U.S. federal government's role in fostering innovation—both in terms of organizational, auspices and funding—across the U.S. economy has significantly expanded in the last several decades. But the federal government's role is not to act as the agent of centrally planned technological change.

In Chalmers Johnson's classic account of the Japanese model of industrial policy, he shows how government officials, working at the Ministry of Trade and Industry, operated as both coordinators and financiers for the conquest by Japanese firms of new markets. Japanese government officials were implementing a shared plan that linked investments in particular technologies with specific business strategies to win in particular markets—both domestically and internationally. That strategy may have allowed Japan to catch up the leading nations in an array of industries, but it did not and does not fit the new innovation environment where cutting-edge innovation produced in a new collaborative and dispersed models is the key to success. It is for that reason that many other nations have shifted their innovation policies to be less directed.

In the United States, there is no central plan for innovation, and different federal agencies engage in support for new technologies often in direct competition with other agencies. The federal government had created a decentralized network of publicly funded laboratores where technologists will have incentives to work with private firms and find ways to turn their disoveries into commercial products. Moreover, an alphabet soup of different federal programs provides agencies with opportunities to help fund some of these more compelling technological possibilities, just as there has been increasing support, at both the federal and state levels, for industry-university research collaboration.

Complementing these decentralized efforts are, more targeted federal government programs that are designed to accelerate progress across specific technological barriers. Today, for example, the. Advanced Research Projects Agency in the Department of Defense is prioritizing support for computer scientists to find ways to overcome the obstacles to creating.ever more powerful microchips for computers. It is also helping biological scientists find ways to accelerate the production of large batches of vaccine, which would be useful to protect the population both against biological weapons and a global pandemic of a deadly influenza. For these targeted efforts, officials in these government offices decide to renew grant support to one research group because it has made progress, withhold it from another research group that appears to be heading towards a dead end, and encourage connections with still another research group—working on a seemingly unrelated problem—because they suspect that the-third group's, findings might have relevance for solving the targeted problem.

Both types of U.S. government innovation initiatives—decentralized and targeted—are increasingly described with the language of venture capital. Private sector venture capitalists, such as the famous firms in Silicon Valley, have an open door policy for scientists and engineers who have a bright idea for a new business. Of every hundred pitches they hear, they might decide to invest in 20 with the idea that if even one or two of the 20 are successful, then they make vast amounts of money that they can recycle into new rounds of initial investments. But the key assumption behind venture capital is that even after careful screening, most of these new business ventures will fail. Some won't be able.to develop the promised technology, some won't find a market for their particular innovation, and some won't be able to build an organization capable of exploiting the Market. Nevertheless, the enormous gains from the small percentage of winners are more than enough to cover the bases from the others.

Many U.S. government officials, now use the same rhetoric. They know that most new startups begun by scientists and engineers at universities or government laboratories will fail, but the minority that succeed will create jobs and advance new technologies. With the decentralized approach, they may provide support to several hundred firms with the idea that 20 to 50 might actually flourish. With the more targeted efforts, they realize that in each funding cycle, only a minority of the researchers will make any significant headway on the key problems. But the idea is that over time, a few incremental advances will eventually set the stage for the big breakthrough that they are looking for.

The largest federal government program that fits this venture capital model is the Small Business Innovation Research (SBIR) program. In 2004, the SBIR program gave out more than $2 billion for some 6,300 separate research projects. The success of programs such as SBIR helps to explain what is perhaps the most surprising turn in federal innovation policy of the last decade.

Starting with the Central Intelligence Agency (CIA) in 1999, a number of government agencies have now set up their own venture capital operations. The CIA's venture capital arm, In-Q-Tel, maintains its own Website and lists 90 recent startup firms in which it has invested. Congress provided a $500 million initial fund, and just as with private sector venture capital, the idea is that the initial fund will be replenished and expanded as In-Q-Tel sells its stake in those firms that have been successful. The Department of the Army has followed the CIA model, and the Department of Energy has partnered with Battelle—the large nonprofit organization that manages several of the department's labs—which has now created its own not-for-profit venture capital arm with an emphasis on supporting startup firms that originated in the laboratories.

Although this explicit turn towards venture capital by U.S. government agencies is understandable, it will not, by itself, solve what we see as the main weaknesses in the current system of federal support for innovation in the United States. In our view, the system of federal support for innovation has enormous strengths, but it also suffers from three major, interconnected weaknesses. First, the system carries decentralization to an unproductive extreme. Under current arrangements, it is entirely possible that five different government agencies might be supporting 30 different teams of technologists working on an identical problem without a full awareness of the duplication of efforts. This situation is a particular problem if different groups are unable to learn from each other in a timely fashion. Second, because the importance of the federal role in fostering innovation is not widely recognized, federal programs in support of innovation lack the broad public support that would be commensurate with their economic importance. Third, the budgetary support for the current system is inadequate and uncertain. Funding for more collaborative research and commercialization efforts are relatively limited, and total federal levels of R&D spending have been declining in real terms since 2003. These declines put the entire U.S. innovation system at risk.

This analysis has shown a dramatic shift in the locus of innovation in the U.S. economy that has occurred over the last three decades. We hope these findings spur a broad debate about the changing role of the federal government in our national innovation system.

Ms. SNOWE. Mr. President, the Biotechnology Industry Organization noted:

> [t]his bill represents a balanced approach to ensure that America's most innovative small businesses can access existing incentives to grow jobs by commercializing new discoveries.

The U.S. Chamber of Commerce said:

> [t]his landmark compromise bill, if passed into law, would unlock the door for entry for businesses that acquire equity funding through venture capital firms without diminishing the programs effectiveness for traditional small businesses, thus setting the stage for a robust and revitalized SBIR program.

That is really our goal—a modern program that recognizes the reality of today's innovative small businesses and provides the appropriate environment in which they can flourish.

Given the nature of the compromise we have reached—from increasing allocations over a number of years to allowing limited participation by majority-owned venture capital firms—we must allow time for these provisions to take shape and enhance these programs. That is why our legislation reauthorizes these measures for 8 years, through 2019. Indeed, the past two reauthorizations of the SBIR program have been for 8 years each—in 1992 and 2000—as was the last reauthorization for the STTR program in 2001.

This long-term reauthorization will allow more small businesses to access this funding without the fear of constant interruptions based on whims of

whether Congress will extend these programs for an indefinite period of time. Indeed, a company's life cycle in either of these programs is by nature a multiyear process—a phase I award will last 6 months, while a phase II award will last for 2 years. That timeframe does not include the time it takes for businesses to apply for funding and await a decision, as well as the time between three phases waiting for new solicitations from agencies.

It will also allow the Government Accountability Office to effectively study the venture capital compromise over time to see if it is serving its intended purpose of allowing promising small businesses to utilize these resources. We include a provision in the bill mandating that the GAO issue a report on the subject 3 years after enactment and every 3 years thereafter. By reducing the length of the reauthorization, we would be allowing this delicate compromise to be relitigated immediately without the benefit of studying its impact, and we would effectively negate any modicum of certainty provided in the pending legislation.

Finally, on the matter of procedure, I am very pleased the majority leader has indicated he will be allowing an open amendment process to this legislation. That is also important as well as necessary for working through these issues and others that are critical to our consideration.

Mr. President, I thank you for the consideration, but I most especially thank the chair of the Small Business Committee for providing the kind of leadership that has been so essential to bringing this legislation forward. After 10 reauthorizations and for about 6 years in the process, to bring it to this point will be critical for the innovation that is so essential to creating new products and to also creating new jobs we desperately need in our economy.

Ms. LANDRIEU. Mr. President, I thank Senator SNOWE. I could not have a better partner on this committee. Her expertise is noted and admired among the Members. She has served as a member of this committee—oftentimes its chair—for many years. I appreciate her help and the help of her staff as well.

In the 10 minutes we have left, I wish to add a couple of specifics of the compromise Senator SNOWE has outlined.

It is true that this program has been sputtering along on very uncertain terrain because of every 3-month or 6-month reauthorization hastily put forward because there has been no agreement on a few of the details. We finally reached an agreement on some of those details, the largest of which had to do with the percentage of awards that could be given or funded to companies that are owned by venture capitalists.

This program was started as a small business program. Senator SNOWE and I feel very strongly and the same to try to keep it as a small business entrepreneurial program but to obviously recognize the changes and opportunities for capital presented by some venture capitalists. That has been the subject of the largest piece of negotiation. I am happy to say we have letters of support from the Bay Area Innovation Alliance, the BioDistrict from New Orleans, just to name one, the Biotechnology Council. They are all very supportive of this compromise.

Mr. President, I ask unanimous consent to have printed in the RECORD these letters of support.

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

Hon. MARY L. LANDRIEU,
Committee on Small Business & Entrepreneurship, U.S. Senate, Washington, DC.
Subject: Senate Bill S. 493

DEAR SENATOR LANDRIEU: The Bay Area Innovation Alliance, representing more than 60 technology companies in the San Francisco Bay Area who participate extensively in the SBIR/STTR programs, is pleased to support compromise legislation for SBIR reauthorization.

We urge a timely passage of Senate Bill S. 493.

Sincerely,

CHRISTOPHER WHITE.
Bay Area Innovation Alliance,

BIODISTRICT NEW ORLEANS,
New Orleans, LA, March 9, 2011.

Hon. MARY LANDRIEU,
Chair, Senate Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR CHAIRWOMAN LANDRIEU: BioDistrict New Orleans is pleased to support your compromise Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs reauthorization legislation. Rebuilding the New Orleans economy around the biotech, digital media and other knowledge-based industries is our #1 priority.

As you know, SBIR is the nation's largest source of early-stage research and development funding. Providing more than 50,000+ patents since its inception, SBIR has successfully harnessed the proven innovative power of small, technology-based businesses to meet the nation's technology needs, and New Orleans needs to become a center of such activity.

Unfortunately, the reauthorization of this demonstrably effective program has been beset by various tribulations, court interpretations and special interests. This has lead to nine short-term reauthorizations since 2008. These repeated, temporary extensions have wreaked havoc on agencies' ability to make strategic decisions in regard to the programs. The uncertain future of the program has also deterred potential participants and investors.

Thankfully, S.B. 493 allows for increased venture-capital participation but retains the small-business integrity of the program. This bill has been endorsed by the Biotechnology Industry Organization and the Small Business Technology Council, the nation's largest tech-oriented small business organization from diverse industries.

The BioDistrict also fully supports this legislation and urges its swift adoption. We wish to thank you for your unflagging and indispensable efforts to protect the small-business focus of the SBIR and STTR programs and achieve this balanced and fair compromise reauthorization package.

Sincerely,

BONITA A. ROBERTSON,
Special Counsel.

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, DC, March 7, 2011.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR CHAIRWOMAN LANDRIEU AND RANKING MEMBER SNOWE: The National Small Business Association is pleased to support the SBIR/STTR Reauthorization Act of 2011 (S. 493). Reaching 150,000 small-business owners across the nation, NSBA is the country's oldest small-business advocacy organization and a longtime supporter of the Small Business Innovation Research, SBIR, program.

As you both know, the SBIR program is the nation's largest source of early-stage research and development funding. Providing more than 50,000 patents since its inception, SBIR has successfully harnessed the proven innovative power of small, technology-based businesses to meet the nation's technology needs. On average, SBIR generates seven new patents per day—which is far more than all U.S. universities combined, at less than one-twelfth their level of federal research and development funding.

Unfortunately, the reauthorization of this demonstrably-effective program has been beset by various tribulations. This has led to ten short-term reauthorizations since 2008. These repeated, temporary extensions have wreaked havoc on agencies' ability to make strategic decisions in regard to the programs. The uncertain future of the program also has deterred potential participants and investors.

Thankfully, a compromise reauthorization package—which allows for increased venture-capital participation but retains the small-business integrity of the program—has been forged. This compromise has been endorsed by the Biotechnology Industry Organization, the National Venture Capital Association, and the Small Business Technology Council, the nation's largest tech-oriented small business organization from diverse industries.

NSBA also fully supports S. 493 and urges its swift adoption. NSBA thanks you both for your unflagging and indispensable efforts to protect the small-business focus of the SBIR and STTR programs and achieve this balanced and fair compromise reauthorization package.

Sincerely,

TODD O. MCCRACKEN,
President.

SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND,
Waltham, MA, March 8, 2011.

U.S. Senator MARY LANDRIEU,
Chairman, Senate Small Business & Entrepreneurship, Russell Building, Washington, DC.

DEAR SENATOR LANDRIEU: The Smaller Business Association of New England fully supports S. 493, which reauthorizes the Small Business Research Innovation program for the next eight years. Life sciences, defense, high technology and the energy sectors in Massachusetts have been tremendous beneficiaries of the SBIR/STTR programs averaging almost one quarter of a billion dollars per year. This research and development engine has spawned new revolutionary products that have been utilized in an innovative way by the military and commercial markets.

The proposed incremental increases in the SBIR/STTR formulas will only enhance the technology readiness of the program and will provide incentives for further innovation.

We think your compromise on the sticky venture capital issue is an equitable one,

particularly if it is inextricably linked to the increase in the SBIR formula from 2.5 percent to 3.5 percent. Secondly, the increased-size limits on Phase I and Phase II and allowance of sequential phasing from I to II appears to be reasonable and permits program flexibility for both the agency and recipient.

In summary, we think you and your staff have crafted an excellent compromise in order to satisfy divergent interests and most importantly, preserve the integrity of the SBIR/STTR programs. Please let us know if there is anything else SBANE can do to facilitate Senate 493. Thank you very much.

Sincerely,

ROBERT A. BAKER,
President.

V-LABS, INC.
Covington, LA, March 8, 2011.

Senator MARY LANDRIEU,
U.S. Senate Building,
Washington, DC.

DEAR SENATOR LANDRIEU: I am writing to give my support for SBIR/STTR Reauthorization Bill (S. 493). I am also a supporter of Senator Landrieu as a Louisiana resident. She has worked tirelessly for the business community in Louisiana. I have a small high tech company in Covington LA and have received several SBIR grants that enabled us to do research that we could not have afforded. I have worked many years in support of the development of biotechnology in Louisiana.

I am Councilor of the Division of Small Chemical Businesses, SCHB, of the American Chemical Society. The SBIR/STTR program is very important to our members. We offer symposia to our membership at national and regional meeting to share the opportunities of the SBIR/STTR program. The Division supports reauthorization of the SBIR/STTR program.

I have campaigned for support of the program by the American Chemical Society, ACS, for a number of years. The American Chemical Society has 163,000 members; it is the largest scientific society in the world. The support of the program was announced by the ACS Board of Directors in December, 2010 in a position statement, ''A Competitive U.S. Business Climate: The Role of Chemistry'', on creating new U.S. based science jobs. The complete publication is on the ACS webpage under policy, www.acs.org/policy The last paragraph of this statement reads: ''Recommendations: Small Business and Entrepreneurship—ACS supports policies that foster the growth of small research and development businesses and encourage entrepreneurship: Expanding funding for the Small Business Innovation Research (SBIR), Small Business Technology Transfer (STTR), and Small Business Investment Companies (SBIC) programs and reforming these programs to make direct research funding for small businesses more easily available Providing incentives for larger companies to expand investments in start-up research and development businesses''

I thank you for your work as well as the Committee on Small Business in introducing this bill S. 493 for the Reauthorization of the SBIR/STTR program.

Yours truly,

SHARON V. VERCELLOTTI,
President.

Ms. LANDRIEU. Mr. President, CONNECT, which is out of the University of California, is another important player in this particular field, and Dawnbreaker, a commercialization company. They were part of helping us forge this important compromise.

I also note that the guidelines of the awards have been raised in the first stage from $100,000 to $150,000 and from $750,000 to $1 million for phase II and allows for sequential phase II awards—another important change.

I particularly thank Senator COBURN for agreeing to an 8-year extension. We think, for a program such as this which is dealing with technologies that sometimes take years to develop, that can be very promising, but it takes some planning, it takes patience. This is not a program that lends itself readily to 2- to 4-year reauthorizations. That is too much uncertainty for a program such as this. Maybe other programs in the Federal Government should go through 4-year and 5-year authorizations. Both Senator SNOWE and I pressed for a longer time. Senator COBURN is somewhat reluctant, but we are very grateful that he and others stepped up and said 8 years would be a good compromise in that way. We are grateful. This will be a very important authorization because it will set the direction for the next 8 years for our Federal agencies.

We have also made an important change—and I am very pleased about this because I think you can have the greatest programs in the world, but if you are not focused on quality, if you are not focused on exchanging best practices, if you are not focused on good management of those programs, even some of the best intentions fall apart or the taxpayers' money is wasted. We do not want to see that happen here. So we have set aside a small portion for administration, which was recommended by this study of oversight, so that the managers in each of these departments can be better trained to actually identify promising technologies, make sure they are requesting in the right areas the kinds of technologies they are looking for, and receive that information in a more professional way. That is an important component of this compromise—the 3-percent allocation for administration and oversight.

As I said, it reauthorizes it for 8 years, and the arrangement between venture capital and small businesses—that kind of capsulizes the major changes.

I do wish to recognize Senator ROCKEFELLER's amendment that he put on in the 111th Congress which is a policy directive against waste, fraud, and abuse. Senator ROCKEFELLER has been very helpful in this regard. His amendment, along with others, requires inspectors general in participating Federal agencies to establish fraud-detection measures, coordinate fraud information sharing between agencies, and provide fraud prevention related to education and training of the administration.

In addition to all of this, it actually gets even better because Senator SNOWE and I have figured out a way to reduce the cost from the last Congress to this Congress from $229 million over 5 years to $150 million. We are being as efficient with taxpayers' dollars as we can, strengthening administration and fraud detection, giving a longer lead time and runway for some of these technologies.

Again, we think this is a model program in the world. We do not think, we know that because of the research and review that has been done of this program and from what we hear from other countries. They wonder: How does your system work? This is one important aspect. The government does have a role to play—not the most significant role potentially but a portion of one of the most significant roles to play in promoting entrepreneurship, creativity, innovations, and expanding the number of patents that are issued in the United States by providing programs that give an open door, access, and level playing field to the smallest businesses in America to give them a chance to compete against some of the big guys. That is really what this is all about.

Mr. President, let me see if the ranking member has anything else to add. We have a few minutes left. She may have one or two points to add as we close out before the lunch period.

Ms. SNOWE. Mr. President, I thank the chairman. The points she raised are very critical because of the contributions these programs have made to our economy, most especially because much of the innovation that occurs in America comes from small businesses. In fact, this report by the Information and Innovation Technology Foundation underscores this point, that the innovations coming from big companies is actually on the decline. We really do depend on the entrepreneurial spirit of small businesses to create the kind of innovation we require in America if we are going to be on the vanguard of change and vanguard of technologies and which is so crucial in moving forward as a nation.

The SBIR program in particular has played a very crucial role in that regard. I think this report truly does emphasize the degree to which it has played a paramount role over the years since the program was created in 1982. It certainly has had an extraordinary history in that regard.

We talk about a lot of programs that we underwrite at the Federal level, but I can say this is a good use of taxpayers' dollars when we are thinking about how we maximize taxpayers' dollars within the Federal agencies that are now utilizing these programs, of which we have 11 different agencies that are setting aside the research and development funds specifically to ensure that small business has an allocation among the research and development dollars so they get their fair share because that is from where the innovation is derived in the final analysis. That certainly has been the indication of the many results we have achieved due to these programs, and that is what makes them outstanding in that regard.

You can draw a cause and effect. Certainly, there is a correlation between

the effectiveness of these programs among the agencies that award them to small businesses that then become the true laboratories for the innovation. That transformation, as this report indicated, has been central to the types of technologies that have emerged over the last three decades.

We want to continue to advance these programs because they are undeniably beneficial and well worth the investments that are made by these agencies because of their required set-asides for these programs and to ensure that small businesses are part of the research and development funding that is in the billions of dollars at the Federal level, if you look at the collective budgets of just these 11 agencies. We want to make sure small businesses are key to our technological growth and, therefore, having these types of programs becomes a major force in developing our innovative economy, as this report indicated recently.

Again, I wish to thank the Chair for her efforts in that regard.

Ms. LANDRIEU. Mr. President, I thank Ranking Member SNOWE and, according to the previous agreement, I think we are going to move to a quorum call at this point. Within a short period of time, I think the leadership is going to lay down two amendments and then, after lunch, of course, we will be open to consider others. We are hoping they will be limited to the subject matter before us, but it is an open debate on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to en bloc; the motions to reconsider be considered made and laid upon the table en bloc; the amended version of S. 493 be considered original text for the purposes of further amendment; that Senator NELSON of Nebraska then be recognized to offer an amendment to S. 493; that following the reporting of the Nelson amendment, the amendment be set aside and the Republican leader be recognized to offer a first-degree amendment to the bill; and following the reporting of the McConnell amendment, the Republican leader be recognized for up to 5 minutes for debate only relative to his amendment; that following the Republican leader's remarks, the Senate resume consideration of the Nelson amendment and Senator NELSON be recognized for up to 10 minutes for debate only relative to his amendment.

Mr. President, I ask unanimous consent this be modified to allow the Republican leader to speak for whatever time he needs.

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

(The committee-reported amendments were agreed to en bloc.)

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 182

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent to call up the amendment I just sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment No. 182.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

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

The amendment is as follows:

At the appropriate place, insert the following:

It is the sense of the Senate that it supports reducing its budget by at least 5 percent. The Senate has made the findings that:

Finding that, Congress must pursue comprehensive deficit reduction,

Finding that, the nation is deeply involved in military action on two fronts

Finding that, Admiral Mullen has noted the most significant threat to national security is the national debt

Finding that, the nation is in fragile recovery from an economic downturn that has spanned two administrations

Finding that, the offices and agencies that serve Members of Congress must be reduced along with the rest of the budget

Finding that, in order to address the Nation's fiscal crisis, the Senate should lead by example and reduce its own legislative budget

It is the sense of the Senate, that it should lead by example and reduce the budget of the Senate by at least 5 percent.

AMENDMENT NO. 183

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, with gas prices on the rise, Americans want to know what Washington is going to do about it. So let me provide a little update: The White House has responded by locking up domestic energy supplies and pushing an energy tax that will drive gas prices up even higher and Democrats in Congress aren't doing anything at all.

So we have a total disconnect right now between Democrats in Washington when it comes to gas prices. Both the White House and Democrats in Congress are acting as if they haven't seen a nightly newscast or driven by a gas station in weeks.

Senator INHOFE, Senator MURKOWSKI, and Senator BARRASSO have done a terrific job of raising the alarm on the administration's efforts to lock up domestic energy, even as it continues to push costly new regulations at the Environmental Protection Agency. I wish to commend them for their efforts on this most important and timely issue. They have shown how American families are getting a double whammy right now. Refiners would pass the costs related to these regulations on to consumers, and the White House's efforts to lock up domestic energy production puts even more pressure on gas prices.

If you are just tuning in, let's review what the White House has been up to on that front: They have resisted our push for American production offshore, onshore and in Alaska and the jobs that go along with it. They have canceled existing drilling permits and the jobs that come with them. They have needlessly delayed offshore leases, which even former President Clinton has referred to as ridiculous. They have imposed a moratorium on oil and gas drilling, which amounts to a moratorium on domestic energy-related jobs. They have proposed a tax on domestic energy production that might be called a ''minivan tax.'' Now they are trying to impose a backdoor national energy tax through the EPA.

It is a strange way to respond to rising gas prices. But it is perfectly consistent with the current Energy Secretary's previously stated desire to get gas prices in the United States up to where they are in Europe.

These new regulations would destroy jobs at a time when Americans need them the most, and they would be especially devastating for States such as Kentucky and other coal States. EPA regulations resulting in dramatic energy price increases would jeopardize the livelihoods of the 18,000 miners in Kentucky and the additional 200,000 jobs that depend on coal production and the low cost of electricity that Kentuckians enjoy.

They would raise the price of everything from electricity, gasoline, fertilizer, to the food we eat, and that is why farmers, builders, manufacturers, small businesses, and the U.S. Chamber of Commerce oppose them and support an effort to stop them.

But the White House is determined to get its way, and that is why they are attempting to do through regulation what they couldn't do through legislation regardless of whether the American people want it. In my view, it is an insult to the millions of Americans who are already struggling to make ends meet and to find a job.

Fourteen million Americans are looking for work, gas prices are approaching $4 a gallon, and the Obama administration wants unelected and unaccountable bureaucrats to impose new regulations that will destroy even more jobs and drive gas prices even higher.

If you want proof that common sense is taking a backseat to ideology in the White House, look no further: This plan is bad for jobs and bad for the economy and it must be stopped. That is why, at the end of my remarks, I will be introducing an amendment to block it.

In an effort to prevent the administration from adding yet another burdensome, job-destroying regulation through the backdoor, we will have a vote on whether, at a time of rising gas prices and growing concern about the scope of government, we should allow

the White House to impose new energy regulations through the EPA.

This vote is needed because the White House appears ready to advance its goal by any means possible, regardless of our economy or the will of the people. That is why it is my hope we will vote to stop this power grab in its tracks.

I wish to, in particular, give credit to Senator INHOFE. This is legislation he has introduced and has been promoting. It is exactly the same legislation that is moving over in the House of Representatives, and it is time the Senate took a stand on this measure as well.

Mr. President, I believe there is an amendment pending.

The PRESIDING OFFICER. There is.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment No. 183.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change)

At the end, add the following:

TITLE VI—ENERGY TAX PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Energy Tax Prevention Act of 2011''.

SEC. 602. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) IN GENERAL.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Nothwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action to Ensure Authority to Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 603. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 182

Mr. NELSON of Nebraska. Mr. President, I rise to speak on the amendment I have just offered dealing with cutting the Senate budget by at least 5 percent.

When I go home every weekend and I am at the grocery store or I am at a hardware store, I have people coming to me saying they are concerned about the growing deficit, they are concerned about the increasing debt, and they are asking what Congress can do, what can the Senate do, specifically, to avoid having this unsustainable growth and debt and deficit. They are concerned.

In many respects, the growth of that debt is most threatening to the national security of this country.

Mr. INHOFE. Would the Senator from Nebraska yield for a question?

Mr. NELSON of Nebraska. Sure.

Mr. INHOFE. I ask the Senator from Nebraska—the minority leader has just introduced an amendment that is pending right now, and I was going to speak on that amendment. Rather than going to another one, would the Senator yield for 3 or 4 minutes so I can at least weigh in on this amendment?

Mr. NELSON of Nebraska. Ordinarily, I would grant that request, but I have a speech at another location that should be starting about right now. So I will be brief.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the Senator's remarks I be recognized next.

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

Mr. NELSON of Nebraska. The Chairman of the Joint Chiefs of Staff, Admiral Mullen, noted that the most significant threat to our national security is in fact the national debt.

The Nation is in a fragile state of recovery, one that we hope will improve the unemployment situation in our country and will improve the overall economy. But as we look at dealing with the deficit and deficit reduction, we must in fact pursue a very important part of that reduction ourselves here within the confines of the Senate. The offices and agencies that serve the Members of Congress have to be reduced along with the rest of the budget.

In order to address the Nation's fiscal crisis I think the Senate must lead by example and reduce our own legislative budget. It is in that context I have introduced this resolution of the Senate today, a sense of the Senate that it should lead by example and reduce the budget of the Senate by at least 5 percent.

This is not something new to me. Two years ago, we held the line in the growth of the Senate budget. A year ago we cut the legislative branch budget. We are looking forward, beyond this current budget, this continuing resolution, and looking at 2012. I hope the legislative branch on a bipartisan basis—as in the past, with Senator MURKOWSKI, now with Senator HOEVEN—will be able to further reduce the legislative branch budget as we go forward on the 2012 budget that will take effect on October 1 of this year.

This is designed for us to set an example by cutting our own budgets, not just asking other people to tighten their belts and go through the process of deficit reduction through cuts, but to lead by example and do it ourselves. Obviously there will be an opportunity to speak more at a later time. I hope that will generate some more discussion on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first I thank the Senator from Nebraska for allowing me to come in immediately following his remarks.

AMENDMENT NO. 183

An amendment was just offered by the minority leader. Let me explain what this is. As the former chairman of the Environment and Public Works Committee, and now the ranking member, we have been very much concerned for a long period of time over what they are trying to do with cap-and-trade. All the way back to the Kyoto treaty and then through the five different bills that were debated on the Senate floor, we recognized the incredible cost to the American people if we were to pass cap-and-trade legislation.

The interesting thing about this is the most votes that were in the Senate at any one time in order to pass cap-and-trade were about 30. Obviously it takes a lot more than that. So what this administration did was say: All right, if you are not going to pass cap-and-trade regulation—keep in mind what that is; that would end up being the largest tax increase in the history of America on the American people—if you are not going to do it through legislation, we will do it through our regulations, through the Environmental Protection Agency.

There was an endangerment finding. The Administrator of the EPA had the endangerment finding and it was based on the IPCC flawed science, but nonetheless it was there. So they started on a route to regulate CO_2 through regulations. Let's stop and think about what that would be. The costs we have determined, over a period of 10-years, to take over the regulation and have in fact a type of cap-and-trade through regulation—or by regulation—would be about $300 billion to $400 billion a year. I did a calculation as to what that would cost the average family in the State of Oklahoma and it was about $3,000 for each family who actually files a tax return.

You have to ask the question, what do you get if you pass this. First of all, I think most people right now are concerned with the price of gasoline at the pump. It is going up again. I suggest it is not market forces that are forcing the price up. It is nothing less than regulation. We have an administration that is doing all it can to kill fossil fuels in America. This is a chart showing—and this all happened in the last year—in the United States we have the largest recovery reserves in oil, coal, and gas of any other country. In fact, our research is right there. You can see recovery reserves are astronomical compared to China, Iran, Canada, and some of the other countries.

The problem we have is a political problem. We are not allowed to go ahead and exploit our own reserves. It is simple supply and demand. I think there is not a person listening to us now who has not studied supply-and-demand basics back in school. If we have all this supply here, why can't we exploit the supply?

To give another illustration of what we have—this is coal reserves. We have 28 percent of all the world's coal reserves. We are exploiting right now clean coal technology, being very successful. We have, in addition to this, oil and gas reserves. But the problem we have is a political problem.

It was the Secretary of Energy, Steven Chu, who made the statement in the Wall Street Journal:

> [S]omehow we have to figure out how to boost the price of gasoline in Europe.

''To boost the price of gasoline to the levels in Europe.'' Right now the levels in Europe are around $8 a gallon. That is what the administration wants us to pay. Why do they want that? They want that so we will be priced out of using fossil fuels. We are talking about oil, gas, and coal.

Right now we are faced with this. Frankly, as we speak, in this very moment over in the House of Representatives they are taking up what they call the Upton-Inhofe bill. That is the same amendment the minority leader just filed. What that does is propose the content of the Inhofe-Upton bill, which says the EPA does not have jurisdiction over controlling CO_2. That should be a legislative matter. You say, Who would agree with that?

MAX BAUCUS, Democrat from Montana, said:

> I do not want the EPA writing those regulations. I think it's too much power in the hands of one single agency, but rather climate change should be a matter that's essentially left to the Congress.

The Senator from Nebraska who just walked off the floor:

> Controlling the levels of carbon emissions is the job of Congress. We don't need the EPA looking over Congress' shoulder telling us we're not moving fast enough.

He went on further to say:

> Because the EPA regulations would be a government-directed command-and-control regime, they would raise the price of energy—

. . . in his State and for all the other States.

This is something I think we have talked about but there is one thing that seems to keep getting overlooked. Somebody asked me the other day, they said: Inhofe, what if you are wrong, in terms of how CO_2—they are talking about catastrophic global warming. I said: It is very simple. I have a great deal of respect for the Director of the Environmental Protection Agency. She actually said—Lisa Jackson—in response to my question, live on TV, in our committee. I said:

Let's say we pass a cap-and-trade either by regulation or legislation. What do you think that is going to do in terms of the overall emissions of CO_2?

Her response was, well, it wouldn't really affect them because that would only affect the United States.

I go on further and say: If we were to restrict these, and stop us from producing oil, gas, and coal in the United States, necessarily our power would be reduced. That would move it to China, to India, to Mexico, to places where they do not have these regulations and do not have restrictions on emissions. It would have the effect of actually increasing, not decreasing, CO_2. Even if we are wrong on that we have to keep in mind it would not make any difference.

I know there are several others who want to talk about this. I am very excited we now have this as a pending amendment, to adopt what I refer to as the Inhofe-Upton bill. He referred to it as the Upton-Inhofe bill. It would merely take out the jurisdiction of the EPA to regulate CO_2.

I would say also in the case of the Director, Lisa Jackson, when I asked the question—and this was a year ago in October, I say to my good friend from Louisiana—I said: If you are going to try to have an endangerment finding so that would allow the EPA to regulate the same as the cap-and-trade would, it has to be based on science. What science would you base it on? Her response was the United Nations IPCC. What is that? It was Climategate IPC. It happened about a year ago. It was cooked science. I remember standing at this podium in this Senate many times, talking about how they have tried to falsify the science to make people believe catastrophic global warming is going to come in as a result of CO_2 emissions.

I am glad this has come up. Right now we are looking at gasoline approaching $4 a gallon. It is a supply-and-demand situation. My friend from Louisiana has a lot of gas and oil in her State. We do in my State of Oklahoma. We need to get the regulators, who are the politicians, to allow us to go ahead and exploit our own resources. Eighty-three percent right now of the Federal lands where we could be producing oil and gas is off limits.

The last thing I will say before yielding the floor is that if we were to take the recoverable oil and the recoverable gas and take away the political obstacles that are in the way, we would have enough to run this country for 90 years, in terms of the supply of oil, and for 90 years in the supply of gas, all produced here in the United States. That would mean we would not have to be reliant upon the Middle East to run this machine called America.

Let's pull away those. The way to do that is to vote in favor of this amendment and I am very excited we will have the opportunity to do that shortly.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. The Senator and Senator MCCONNELL have an amendment. There is an amendment pending. We only have a minute and a half. I wish to call to the attention of the Chair, Senator VITTER has an amendment which we will take up to discuss later this afternoon.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 178

Mr. VITTER. Mr. President, I want to briefly preview an amendment, Vitter amendment No. 178, which I will formally call up this afternoon about 2:45. This is a spending amendment to get back to what I believe is the central challenge we face as a country right now, this unsustainable path we are on with regard to Federal spending and debt. This is a very simple, straightforward amendment which I think deserves and will hopefully get strong bipartisan support. It requires the Federal Government to get rid of its billions of dollars of inventory—literally billions and billions of dollars of unutilized or underutilized real property.

The Federal Real Property Council reports that the Federal Government owned or operated more than 1.1 million assets worldwide in 2007. It was worth an estimated $1.5 trillion. But a lot of those assets, real property buildings, land, are unused or underused. According to OMB, there are about 47,000 underutilized properties, almost 19,000 completely unutilized properties. That is over 65,000 properties with an estimated value of $83 billion that would better be diminished, sold, or demolished.

This is a commonsense way to save money in the Federal budget, to move us forward in terms of a more sustainable path on spending and debt. Obviously we need many more larger steps, but this is brought in that spirit.

I look forward to returning to the floor around 2:45 to make it formally pending and to offer some brief additional comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, according to the agreement, we are going to break now at 12:30 and take up this debate this afternoon and stay on this bill with open debate. Hopefully, it can be productive and cordial and then, hopefully, we can move to pass this important bill, the reauthorization of SBIR.

Mr. President, I ask unanimous consent that the order with respect to Senator PORTMAN be vitiated.

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

Ms. LANDRIEU. Mr. President, we will break now and come back and resume our debate at 2:15.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Indiana.

FISCAL DISCIPLINE

Mr. COATS. Mr. President, returning to the Senate is in many ways like having a chance to relive part of one's life; yet doing so with the benefit of experience, experience that I gained in serving in this body before and also from service in the private sector. It allows one to see things differently than before.

While I can discuss with my colleagues many things that remain the same in the Senate, there is also much that has changed in our country that requires change in this institution. It is what has changed that has brought me back to the Senate. The more I witnessed what was happening to our country, the more I realized that I, like many others across the country, needed to reengage in some way or another in the task of returning our country to its basic values and time-tested principles, not the least of which is returning our Federal Government to one that ensures a healthy fiscal nation whose finances and policies promote job opportunities for its citizens.

I could not get comfortable with the fact that my generation might be the first to leave a country to our children that is in worse fiscal shape and with less opportunity than the one we had the privilege of inheriting.

When I first came to Congress in 1981, one of the first votes I had to deal with was to raise the national debt limit to just over the $1 trillion mark. It was a tough one. Think of that. For nearly 200 years, as our country prospered and grew financially, we spent ourselves into $1 trillion worth of debt. As a newly elected Member of the House of Representatives at that time, the last thing I wanted to do, particularly having run on a campaign of limited government and trimming the size of government and spending, was to make one of my very first votes on raising the national debt to accommodate excessive spending. But gritting my teeth and swallowing hard, I followed the request of newly elected President Ronald Reagan, who said we need to pay past bills so we can get to the job of cutting spending and cutting taxes and getting our country back on the right track economically.

It is difficult for me to comprehend that I am standing here 30 years later, and we are looking at a national debt of over $14.5 trillion. So in just 30 years we have gone from $1 trillion to $14.5 trillion. I cannot comprehend that number. Very few Americans can comprehend that number. But, clearly, one thing stands out; that is, this Federal Government has grown faster and much deeper in debt than any of us could have imagined over a very short

period. We will pay a steep price tag for that debt. It threatens our way of life, as well as our Nation's security.

During the 1990s, the combination of economic growth and defeat of the 1993 health care plan, President Clinton's decision to move to the middle and support welfare reform—all contributed to moving us toward a more sensible and fiscally responsible balance between revenue and spending. In fact, in 1998, we actually reached a surplus of about $69 billion, the first surplus reached since the year 1969. That would have been the ideal time to lock in a balanced budget amendment to ensure we would not slip back into deficit spending and that Congress and the White House would be held accountable for future spending. There were two serious attempts during the 1990s, both of which I supported, to enact a balanced budget amendment. They failed, each one, by one vote. Think today where we would be fiscally had we gotten that one vote and passed either of those amendments and sent it to the States for ratification, which I am sure they would have done. We would not be facing the dire situation we face today.

I have decided not to go into the details of our exploding deficit and debt. Much has already been said and published in that regard. Much has been said on this floor, and more will be said. Based on the last election, the American public is now much better informed of our current financial situation and the dangerous consequences of unchecked spending. We have spent beyond our means in all areas of government. We have increased unfunded liabilities, and we have committed to programs which we cannot afford or sustain. Americans have heard the warnings of many who have analyzed the situation and sounded the alarm.

In 2010, they said immediate action must be taken to avoid a national fiscal crisis of unprecedented negative consequences. What are those consequences? Ultimately, those consequences include a lower standard of living, less income for families to take home to pay the mortgage, to buy that new car, to save and send their children to school. Those consequences have, unfortunately, over the past couple of years put our Nation in a serious unemployment situation. People are out of work, and they have been out of work for months if not years. Ultimately, it all turns back to jobs.

Having the ability to bring home earnings that will sustain a family and provide opportunities for education, health, growth for those families, and give our children and grandchildren and all those who follow the opportunities so many of us have enjoyed—those are the consequences we face if we don't today address these problems.

Many respected economists and financial experts have continued to issue dire warnings about our current fiscal condition. Let me quote a few.

Erskine Bowles, former Chief of Staff to President Clinton and cochair of the President's deficit reduction committee, said:

> This debt is like a cancer [that] will destroy the country from within [unless Washington acts].

Pete Peterson, former U.S. Secretary of Commerce and finance executive, said about the national debt:

> We need to ask ourselves, not just is this sustainable, but is it moral? What does it mean to burden our kids to an unconscionable doubling of their taxes?

Admiral Mullen, Chairman of the Joint Chiefs of Staff, said:

> I believe our debt is the greatest threat to our national security. If we as a country do not address our fiscal imbalances in the near term, our national power will erode, and the costs to our ability to maintain and sustain influence could be great.

Finally, former U.S. Comptroller General David Walker, who served under both Republican and Democratic administrations, said:

> What threatens the ship are large, known and growing structural deficits . . . Habitually spending more money than you make is irresponsible.

But that is exactly what Washington has done, habitually spend, sinking our fiscal ship deeper and deeper each year.

We saw a drastic swing in November: Hoosiers and Americans united in a common purpose to demand that our newly elected representatives and all representatives repair our fiscal health that has been destroyed by excessive tax-and-spend policies. They called for a change in course. They called for bold action today to preserve our country for tomorrow. They realized that the stakes are too high to ignore or delay addressing our fiscal challenges. Hoosier families and businesses, local communities, States, and virtually every other entity across Indiana and the country have had to make sacrifices to trim their budgets. They are now calling for the Federal Government and Congress to do the same.

We cannot succeed unless we together, Republicans and Democrats, agree that addressing our current fiscal crisis requires political courage and bold action from both parties, both Chambers of Congress, and President Obama.

I wish to offer what I think are some solutions I believe Congress must execute, perhaps, in a coordinated way, essential steps if we are serious about addressing the fiscal challenge before us.

First, stop the fiscal bleeding and avoid economic distress by doing so. Washington has to break its spending and borrowing addiction. Like curing any bad habit, it will take discipline and commitment. As we consider spending cuts and ways we can reverse the growth of government, I believe everything must be on the table. All functions of government should be examined, including mandatory spending and defense spending. Serious discussions and proposals are currently underway in this Congress. I am participating in many of them. These proposals need to be considered carefully. They need to be debated and voted on.

Secondly, it is important we recognize that spending cuts alone will not solve our fiscal challenges and preserve our future. We need to pair our cuts with a pro-growth agenda that puts Hoosiers and Americans back to work. One of the ways Congress can achieve this goal is by reforming the Tax Code. By lowering marginal rates, by lowering corporate rates to make us more competitive with our competitors around the world, by eliminating exclusions and special introductions and credits and simplifying the complex and convoluted Tax Code, Congress can help advance the economic recovery. This is a necessary element in the task of returning to fiscal health. I currently am working on legislation on this very topic and hope to introduce it in the coming weeks.

Third, Washington needs to examine, reduce and, in many cases, eliminate harmful regulations and mandates. As I have traveled across Indiana, perhaps one story I have heard over and over from every business with which I engage is, regulations coming out of Washington, many of which do not reflect the will of the people, the will of Congress but are imposed by nonelected bureaucrats, have put us at a disadvantage with our competitors, have added additional burdens of paperwork and compliance that don't make sense from a health and safety standpoint.

Oversight and proposals to address the regulatory burdens also need to be considered, debated, and voted on by this Congress.

Fourth, I think we need to promote trade policies. Six thousand businesses in Indiana export overseas. One-fourth of all of our manufacturing jobs result from exports. A good first step in this process is to open our markets by approving the three pending trade agreements we have: Korea, Colombia, and Panama. This will increase job opportunities at home and put us on the path of continuing open trading that provides so many jobs to so many Americans.

Having said all this, the greatest threat to our fiscal security is the growing and unsustainable mandatory spending. We cannot strengthen our country's financial health without addressing Medicare and Medicaid and Social Security. These programs along with the interest on the national debt consume nearly two-thirds of the Federal budget. While we hear a lot of talk about the necessity of tackling entitlement spending, little action occurs because it is often considered too politically dangerous. However, I believe we no longer have a choice. We no longer can defer addressing these problems until after the next election. The entitlement crisis is before us and has been growing for several years.

We know about the coming baby boom generation that is retiring and the impact that will put on entitlement programs. We have to commit to finding a way to restructure these programs and make them solvent.

Let me repeat that. We are not here to undercut these programs; we are here to preserve them. We are here to make the necessary structural, long-term incremental changes so those benefits will be there for people when they retire.

As Winston Churchill once said:

> One ought never to turn one's back on a threatened danger and try to run away from it. If you do that, you will double the danger. But if you meet it promptly and without flinching, you will reduce the danger [at least] by half.

We have not met this promptly. But I believe it is not too late to begin the process of making commonsense adjustments to the current systems. Modest incremental changes now will help us avoid much more drastic and painful changes later.

In 1983, Congress was faced with a serious Social Security crisis. We were months away from having checks not sent out. Together, President Reagan, Tip O'Neill, majority and minority members of the Senate and the House, and the political leaders of the respective parties gathered together and decided to put this issue and the solution to this issue above politics, and they did so. It was a difficult debate and discussion, but we made the changes that were implemented on an incremental basis.

Social Security bought 30 years of solvency on the basis of that decision. The sky did not fall. The economy did not collapse. And the people, when they learned why we were doing what we were doing—to preserve the program, not leave it in a dire situation where benefits would have to be cut or reduced dramatically—they backed what we did and supported it.

I believe we are in that position now with our entitlements. So if we can propose sensible, modest changes that will save these programs, I think the public will gladly support them.

Over the last decade, we have watched the storm clouds gather, and we have watched as those fiscal clouds have drawn ever closer and become ever darker. They are now bearing down upon us, and alarms are sounding louder than ever. As I have said, it is incumbent upon each of us in this Congress to acknowledge that the storm is here and to do all we can to mitigate the damage.

But given the current division of authority in our Congress and executive branch, it is incumbent upon the two Chambers and the two parties to set aside the politics of 2012 for the sake of the future of our Nation. I believe the voters will respond favorably to that decision.

However, no matter what we do as elected representatives, we cannot ultimately succeed without the engagement and the support and the leadership of the President of the United States. We know the President understands the gravity of the fiscal crisis. As a former Senator, as a Presidential candidate, and now as Commander in Chief, he has clearly articulated his understanding of the issue.

In 2006, then-Senator Obama said:

> Increasing America's debt weakens us domestically and internationally. Leadership means that the ''buck stops here.'' Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership.

Those are the words of former Senator Barack Obama, now President of the United States.

As a candidate for President, in 2008, Presidential candidate Barack Obama said:

> We're going to have to take on entitlements and I think we've got to do it quickly.

And in 2009, President Obama said:

> What we have done is kicked this can down the road. We are now at the end of the road and are not in a position to kick it any further.

He also promised his administration would ''work with Congress to execute serious entitlement reform.''

President Obama, as both Republicans and more and more Democratic Members of Congress are committing to go forward—and as Republican and Democratic Governors of States in fiscal peril are responding—our Nation, Mr. President needs you now to assume the primary leadership role in helping us avert these financial problems and potential financial meltdown.

The 2012 election must be subordinate to the urgency and the challenge before us. We cannot afford to wait until 2013 to begin the necessary work to prevent a fiscal disaster. We need Presidential leadership now. Our country's future is at stake.

Given the immensity of our fiscal challenges we face today, some would say it is too late to remedy the problem. I do not hold that view. And I do not hold that view primarily because of our Nation's history in rising to the challenge that faces us. From the Founding Fathers to George Washington, from Abraham Lincoln to Roosevelt and Reagan, times of trial and crisis have always produced moments of great leadership and the response of the American people to support that leadership.

That is what Americans are yearning for today: leadership—leadership to guide us out of this dangerous financial hole that threatens our Nation's security and future.

So I ask our President—as other Presidents throughout our history have done in times of major threats—Mr. President, grant us your leadership. Grant us the leadership needed to restore the strength and prosperity that has been the American story and has allowed our Nation to be the defenders and protectors of democracy and freedom.

Thirty years ago, Ronald Reagan delivered his first inaugural address, and expressed the urgent need to rein in spending and curb the size and growth of the Federal Government. He said doing so will require ''our best effort, and our willingness to believe in ourselves and to believe in our capacity to perform great deeds; to believe that together, with God's help, we can and will resolve the problems which now confront us.''

For each of us serving here today, I believe it is our duty to rise to the immediate challenge and ''resolve the problems which now confront us.'' It will take all of us uniting behind a common purpose—that above all else, we must first restore and strengthen our fiscal security. We must articulate a clear vision, set specific goals, and make the tough decisions needed to bring our Nation out of debt and preserve prosperity and opportunity for future generations.

I am here today to commit to Hoosiers, to my colleagues, to my children and grandchildren, to all our Nation's children and grandchildren, that I will not turn my back on our economic dangers or seek the false safety of political denial.

I am standing here today to find solutions, to make the hard decisions, and to leave behind a country that is stronger and more fiscally secure for future generations.

This crisis is not insurmountable. We can overcome it by doing what great generations before us have done: mustering our will to do what is right. If we do, I know that America's greatest days are not behind us but still lie ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

CONGRATULATING SENATOR COATS

Mr. MCCONNELL. Mr. President, not often in life does someone get a second opportunity to make a good first impression. The Senator from Indiana has had a chance to make two maiden speeches in the Senate. I confess I was not there for the first one, but I am pleased to have been here for the second, and I want to commend him for his extraordinary speech, particularly his emphasis on the importance of the President of the United States leading on the issue of entitlement reform.

We all know that under the Constitution only the President's signature can make a law. I think what the Senator from Indiana has pointed out, and many others have pointed out, is that on the issue of entitlement reform—the over $50 trillion of unfunded liabilities we have lying out there ahead of us; promises we have made we cannot keep—this cannot be done without Presidential leadership and a Presidential signature. I thank the Senator from Indiana for reminding us all of that. We all still hope the President will step up and help us meet this enormous challenge. I commend the Senator from Indiana for a wonderful first impression.

SBIR/STTR REAUTHORIZATION ACT OF 2011—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I understand Senator VITTER will seek recognition to offer some amendments. I ask unanimous consent that after Senator VITTER has offered his amendments, I be recognized for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. If the Senator amends his request that at the conclusion of his remarks we return to amendment No. 183.

The PRESIDING OFFICER. Does the Senator so amend his request?

Mr. INHOFE. Mr. President, I think the Senator was distracted over there. If the Senator would amend his unanimous consent request so that we would return to amendment No. 183 at the conclusion of his remarks.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield the floor to the Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to be able to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HUMAN RIGHTS

Mr. CARDIN. Mr. President, I rise today to share my thoughts on the hearings held last week in the House of Representatives called ''The Extent of Radicalization in the American Muslim Community and that Community's Response.'' Congressional hearings are supposed to serve as an important role of oversight, investigation, or education, among other purposes. However, this particular hearing—billed as the first of a series—served only to fan flames of fear and division.

My first concern is the title of the hearing—targeting one community. That is wrong. Each of us has a responsibility to speak out when communities are unfairly targeted.

In 1975, the United States joined all the countries of Europe and established the Conference on Security and Cooperation in Europe, now known as the OSCE. The Congress created the U.S. Helsinki Commission to monitor U.S. participation and compliance with these commitments. The OSCE contains commitments in three areas or baskets: security, economics, and human rights. Best known for its human rights advancements, the OSCE has been aggressive in advancing these commitments in each of the OSCE states. The OSCE stands for religious freedom and protection of minority rights.

I am the Senate chair of the U.S. Helsinki Commission. In that capacity, I have raised human rights issues in other countries, such as in France when, in the name of national security, the Parliament banned burqas and wearing of all religious articles or when the Swiss restricted the building of mosques or minarets.

These policies were restrictive not only to the religious practice of Muslims but also Christians, Jews, and others who would seek to wear religious symbols and practice their religion as they saw fit.

I have also raised human rights issues in the United States when we were out of compliance with our Helsinki commitments. In that spirit, I find it necessary to speak out against the congressional hearing chaired by Congressman PETER KING.

Rather than constructively using the power of Congress to explore how we as a nation can use all of the tools at our disposal to prevent future terrorist attacks and defeat those individuals and groups who want to do us harm, this spectacle crossed the line and chipped away at the religious freedoms and civil liberties we hold so dearly.

Radicalization may be the appropriate subject of a congressional hearing but not when it is limited to one religion. When that is done, it sends the wrong message to the public and casts a religion with unfounded suspicions.

Congressman KING's hearing is part of a disturbing trend to demonize Muslims taking place in our country and abroad. Instead, we need to engage the Muslim community in the United States.

A cookie-cutter approach to profile what a terrorist looks like will not work. As FBI Director Mueller recently testified to the Senate:

> . . . during the past year, the threat from radicalization has evolved. A number of disruptions occurred involving extremists from a diverse set of backgrounds, geographic locations, life experiences, and motivating factors that propelled them along their separate radicalization pathways.

Let us remember that a number of terrorist attacks have been prevented or disrupted due to informants from the Muslim community who contacted law enforcement officials.

I commend Attorney General Holder and FBI Director Mueller for increasing their outreach to the Arab-American community. As Attorney General Holder said:

> Let us not forget it was a Muslim-American who first alerted the New York police to a smoking car in Times Square. And his vigilance likely helped to save lives. He did his part to avert tragedy, just as millions of other Arab-Americans are doing their parts and proudly fulfilling the responsibility of citizenship.

We need to encourage this type of cooperation between our government and law enforcement agencies in the Muslim community.

As the threat from al-Qaida changes and evolves over time, the piece of the puzzle is even more important to get right. FBI Director Mueller testified before the House recently that:

> At every opportunity I have, I reaffirm the fact that 99.9 percent of Muslim-Americans, Sikh-Americans, and Arab-Americans are every bit as patriotic as anyone else in this room, and that many of the anti-terrorism cases are a result of the cooperation from the Muslim community and the United States.

As leaders in Congress, we must live up to our Nation's highest ideals and protect civil liberties, even in wartime when they are most challenged. The 9/11 Commission summed up this well when they wrote:

> The terrorists have used our open society against us. In wartime, government calls for greater powers, and then the need for those powers recedes after the war ends. This struggle will go on. Therefore, while protecting our homeland, Americans must be mindful of threats to vital personal and civil liberties. This balancing is no easy task, but we must constantly strive to keep it right.

I agree with Attorney General Holder's recent speech to the Arab-American Anti-Discrimination Committee, where he stated:

> In this Nation, our many faiths, origins, and appearances must bind us together, not break us apart. In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude. And in this Nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all.

Actions, such as the hearing held last week, that pit us against one another based on our religious beliefs, weaken our country and its freedoms and ultimately do nothing to make our country any safer. Hearings such as the one held last week only serve as a distraction from our real goals and provide fuel for those who are looking for excuses to find fault or blame in our way of life.

Let's not go the way of other countries but instead hold dear the protections in our Constitution that safeguard the individual's right to freely practice their religion and forbid a religious test to hold public office in the United States. Our country's strength lies in its diversity and our ability to have strongly held beliefs and differences of opinion, while being able to speak freely and not fear the government will imprison us for criticizing the government or holding a religious belief that is not shared by the majority of Americans.

On September 11, 2001, our country was attacked by terrorists in a way we thought impossible. Thousands of innocent men, women, and children of all races, religions, and backgrounds were murdered. As the 10-year anniversary

of these attacks draws closer, we continue to hold these innocent victims in our thoughts and prayers, and we will continue to fight terrorism and bring terrorists to justice.

After that attack, I went back to my congressional district in Maryland at that time and made three visits as a Congressman. First I visited a synagogue and prayed with the community. Then I visited a mosque and prayed with the community. Then I went to a church and prayed with the community. My message was clear on that day: We all needed to join together as a nation to condemn the terrorist attacks and to take all necessary measures to eliminate safe havens for terrorists and bring them to justice. We all stood together on that day regardless of our background or personal beliefs.

But my other message was equally important: We cannot allow the events of September 11 to demonize a particular community, religion, or creed. Such actions of McCarthyism harken back to darker days in our history. National security concerns were used inappropriately and led to 120,000 Japanese-Americans being stripped of their property and rights and placed in internment camps in 1942, though not a single act of espionage was ever established.

The United States should not carry out a crusade against any particular religion as a response to 9/11 or other terrorist attacks. The United States will not tolerate hate crimes against any group, regardless of their religion or ethnicity, and we should not allow our institutions, including Congress, to be used to foment intolerance and injustice. Let's come together as a nation and move forward in a more constructive and hopeful manner.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, I understand Senator INHOFE and Senator VITTER are both on the floor to offer amendments to the SBIR and STIR Program. Are we under a consent agreement?

The PRESIDING OFFICER. We are not.

Mr. INHOFE. Mr. President, will the Senator yield?

Ms. LANDRIEU. Yes, I yield to Senator INHOFE.

Mr. INHOFE. The pending amendment is No. 183. I ask unanimous consent that it be temporarily set aside for the purpose of introducing amendment No. 161.

Ms. LANDRIEU. Is that Senator VITTER's amendment? Senator VITTER was here, so I wanted him to have the opportunity to offer his. It doesn't matter to me in what order.

Mr. INHOFE. Why not recognize Senator VITTER for his amendment, set aside our amendment temporarily, and then we will get to the Johanns amendment after that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 178

Mr. VITTER. Thank you, Mr. President, and thanks to my colleagues for their courtesies and cooperation.

At this point, I move to temporarily set aside the pending amendment and to call up Vitter amendment No. 178.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 178.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Federal Government to sell off unused Federal real property)

At the end, add the following:

SEC. _____. SALE OF EXCESS FEDERAL PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''§ 621. Definitions

''In this subchapter:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) LANDHOLDING AGENCY.—The term 'landholding agency' means a landholding agency (as defined in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i))).

''(3) REAL PROPERTY.—

''(A) IN GENERAL.—The term 'real property' means—

''(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

''(I) excess;

''(II) surplus;

''(III) underperforming; or

''(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

''(ii) a building or other structure located on real property described in clause (i).

''(B) EXCLUSION.—The term 'real property' excludes any parcel of real property, and any building or other structure located on real property, that is to be closed or realigned under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note; Public Law 100–526).

''§ 622. Disposal program

''(a) IN GENERAL.—Except as provided in subsection (e), the Director shall, by sale or auction, dispose of a quantity of real property with an aggregate value of not less than $15,000,000,000 that, as determined by the Director, is not being used, and will not be used, to meet the needs of the Federal Government for the period of fiscal years 2010 through 2015.

''(b) RECOMMENDATIONS.—The head of each landholding agency shall recommend to the Director real property for disposal under subsection (a).

''(c) SELECTION OF PROPERTIES.—After receiving recommendations of candidate real property under subsection (b), the Director—

''(1) with the concurrence of the head of each landholding agency, may select the real property for disposal under subsection (a); and

''(2) shall notify the recommending landholding agency head of the selection of the real property.

''(d) WEBSITE.—The Director shall ensure that all real properties selected for disposal under this section are listed on a website that shall—

''(1) be updated routinely; and

''(2) include the functionality to allow any member of the public, at the option of the member, to receive updates of the list through electronic mail.

''(e) TRANSFER OF PROPERTY.—The Director may transfer real property selected for disposal under this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development determines that the real property is suitable for use in assisting the homeless.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''Sec. 621. Definitions.

''Sec. 622. Disposal program.''.

Mr. VITTER. Mr. President, right before lunch, I laid the groundwork for this amendment, so let me quickly summarize.

This is one of a series of amendments that conservatives are bringing to the floor that go to our central challenge of reining in uncontrolled spending and debt. Clearly, we face a monumental challenge in this country from the fact that we are on an unsustainable path right now of Federal spending and debt. Clearly, this endangers our future. We are used to talking about it as a threat to our kids and grandkids—something that will come home to roost years from now.

Sadly, in the last several years, it has grown to much more than that. It is such an unsustainable path that it yields the possibility of a crisis within weeks or months or a couple of years. So we cannot kick the can down the road. We cannot fail to act now. We must change the fiscal path we are on to protect not just future generations but our country as we know it right now. In that spirit, a number of fiscal conservatives are coming to the floor to offer spending and debt amendments, and I am honored to be associated with that group. We will see other Senators come down, including Senator CORNYN and Senator RUBIO, Senator DEMINT, Senator PAUL, and others, with other spending and debt amendments.

Amendment No. 178 is a very simple, straightforward idea. It would mandate that the Federal Government, in an orderly way, begin to get rid of billions of dollars worth of unused or underused Federal property. There have been many studies on this topic. They all come to the same bottom line, which is that the Federal Government owns many tens of billions of dollars worth of unused or underused Federal property that not only represents assets that could be liquidated to yield money to the Federal Treasury, but as long as we hold on to it as a Federal Government, it represents enormous ongoing

costs to simply maintain and deal with this unused Federal property.

The Office of Management and Budget says there are over 46,000 underutilized properties but almost 19,000 completely unused properties, with an estimated value between the two categories of $83 billion. Those properties could be liquidated and that money brought to the Treasury. Also, in the meantime, if we don't do this, that is actually costing us money in terms of upkeep—mowing the grass, if you will, and a lot more other and expensive upkeep.

This amendment is very simple and straightforward to require the Federal Government to sell off or demolish this property and help contribute, in a limited way but an important way, to get us on a different, more sustainable fiscal path.

Again, I commend this amendment to all of my colleagues, Democrats and Republicans. As I said, it is part of a broader effort on this bill—as well as on other bills, I am sure, in the future—to get us on a different fiscal path.

Today and over the next few days, we will be seeing Senators CORNYN, DEMINT, RUBIO, and others coming to the floor with this set of fiscal amendments to nudge, push, pull—anything we can do—this body and the Congress in this important direction before it is too late.

Thank you, Mr. President. With that, I yield the floor.

Ms. LANDRIEU. Mr. President, let me just add a word. I see the Senator from Oklahoma. Again, as the managers of this bill, Senator SNOWE and I have worked across party lines to bring the SBIR bill to the floor. We want to have as open an amendment process as possible. We think that is fair. We would like to really ask people to focus on amendments specific to this legislation. I know time on the Senate floor is precious, and we don't get as much time as we would like to offer our bills and amendments, but we do ask that of everyone so we can try to get this bill to the House and, hopefully, to the President's desk.

Senator INHOFE is here to offer an amendment. We agreed earlier to allow that to happen, so I will turn the floor over to him.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 161

Mr. INHOFE. I thank the Senator from Louisiana.

First of all, we are currently on, it is my understanding, amendment No. 183. I ask unanimous consent to set aside the current amendment for consideration of amendment No. 161 by Senator JOHANNS and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Mr. JOHANNS, proposes an amendment numbered 161.

Mr. INHOFE. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes)

At the end, add the following:

TITLE VI—COMPREHENSIVE 1099 TAXPAYER PROTECTION

SEC. 601. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS TO PAYMENTS MADE TO CORPORATIONS AND TO PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.

(a) APPLICATION TO CORPORATIONS.—Section 6041 of the Internal Revenue Code of 1986 is amended by striking subsections (i) and (j).

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''amounts in consideration for property,'', and

(2) by striking ''gross proceeds,'' both places it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

SEC. 602. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 603. INCREASE IN AMOUNT OF OVERPAYMENT OF HEALTH CARE CREDIT WHICH IS SUBJECT TO RECAPTURE.

(a) IN GENERAL.—Clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) IN GENERAL.—In the case of a taxpayer whose household income is less than 400 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

''If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 200%	$600
At least 200% but less than 300%	$1,500
At least 300% but less than 400%	$2,500.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

AMENDMENT NO. 183

Mr. INHOFE. Mr. President, I ask unanimous consent to return to the pending amendment, amendment No. 183.

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

Mr. INHOFE. Thank you. Again, I thank the Senator from Louisiana.

This is an amendment to the underlying bill. It is a very significant one.

To give a little background, for the last 9 years, I have had an effort to stop legislation called cap-and-trade legislation. It is one that I think everyone now—no one used to hear about it, but everyone is familiar with it now after all these 9 years. It goes all the way back to the Kyoto treaty, when people realized, under the Clinton administration, that we were not going to ratify that treaty. In fact, President Clinton never even brought it up for ratification. But people realized this would be something very, very expensive to America.

So after that, in 2003, 2005, 2008, and on up, there were about seven different times that Members of the Senate brought up different cap-and-trade legislation. It was in 2003 that MIT and the Wharton School came out with analyses of what it would cost to do a cap-and-trade bill. The amount always ranged between $300 billion and $400 billion a year. I quite often say, when we are talking about billions and billions of dollars, you have to bring this home so people understand what we are talking about. In this case, in my State of Oklahoma, this would equate to something a little bit over $3,000 for every family that files a tax return.

The reason I am bringing this up at this time is that they tried to pass this all throughout the years. I think the last one was the Waxman-Markey bill over in the House. It came over to the Senate, and, of course, they didn't have near the votes to pass it over here. I think the most votes they could have gotten at any time in the Senate to pass a cap-and-trade bill was about 30 votes. Obviously, that is not enough.

So this administration decided: Since they won't do it legislatively, we will do what they wouldn't do legislatively through regulations. That is where the Environmental Protection Agency came along and—of course, back when the Republicans were in the majority, I was the chairman of the Environment and Public Works Committee. Now it is Senator BOXER from California, and I am the ranking member. So we have jurisdiction over the Environmental Protection Agency.

I think it is very important that we draw this in and make an attempt to connect the dots and make people realize what we are talking about now. There is great concern in this country about the price of gas at the pumps. It is approaching $4 a gallon, and this is something of great concern to my wallet and to everybody else I know in the State of Oklahoma.

The problem we have is a bureaucratic problem. It is a problem of this administration not allowing us to exploit the reserves we have in this country.

We hear over and over—or we did; we have not heard it recently—that we have only 28 billion barrels of proven

reserves and that is not enough to provide for our own consumption in this country. I ask us now to go to the CRS report. Less than 1 year ago, Senator MURKOWSKI and I requested a CRS, Congressional Research Service, report. They said, right now, the United States of America has more oil, gas, and coal reserves than any other country in the world.

Let's take first the oil reserves. These are the proven reserves. The problem with using the word ''proven'' instead of ''recoverable'' is that proven has to be the result of drilling. We have to drill and know it is there. Obviously, if we have obstacles so that a majority of people, along with the administration, do not want us to drill offshore, do not want us to drill on public lands, and we cannot get in there and prove it, then we have to go back and take the recoverable oil.

This is what the geologists say we have in this country. No one has refuted this, I might add. Instead of being 28 billion barrels, it is 135 billion barrels of oil. If we carry that further, we realize this report is one that shows clearly we could have these huge reserves.

Let's go to natural gas and see what this same CRS report says about natural gas. This chart shows a combination of the fossil fuels; that is, gas, coal, and oil. First is the United States of America. Second is Russia. It shows the United States has greater recoverable reserves than Saudi Arabia, China, Iraq, and these countries combined. There is a huge reserve out there. In fact, the reserves of oil we are talking about, we have the equivalent to replace our imports from the Persian Gulf for more than 90 years. In other words, if we lift the restrictions we currently have in place on drilling for oil, it will be 90 years.

Gas turns out to be about the same. Based on the CRS report, it says the 2009 assessment of the Potential Gas Committee states that America's future supply of natural gas is 2,000 trillion. At today's rate of use, this would be enough natural gas to meet America's demand for 90 years.

The report also reveals the number of coal reserves. The coal reserves are 28 percent of the world's coal. CRS cites America's recoverable coal reserves to be 262 billion short tons. For perspective, the United States consumes 1.2 billion short tons of coal per year. That is a major export opportunity for us, as well as for jobs.

When we talk about our reserves in oil, gas, and coal, there are a lot more out there. This is just what we know is recoverable. For example, I did not include oil and gas shale. The Green River Formation located in Colorado, Wyoming, and Utah contains the equivalent of 6 trillion barrels of oil. The Department of Energy estimates that of this 6 trillion, approximately 1.38 trillion barrels are potentially recoverable. That is equivalent to more than five times the oil reserves of Saudi Arabia. I did not include these when I said we have enough to sustain us for 90 years.

Another domestic energy source is methane hydrates. That is another one that has tremendous potential. While the estimates vary significantly, the U.S. Geological Survey recently testified that ''the mean in-place gas hydrate resource for the entire United States is estimated to be 320,000 trillion cubic feet of gas.'' For a perspective, if just 3 percent of this resource can be commercialized in the years ahead, at current rates of consumption, that level of supply would be enough to provide America natural gas for more than 400 years. I did not include that. For 400 years, I am only including what is recoverable and what is out there. That is what I call energy security.

We need to also realize it is not just energy we can do. There is nothing more basic than supply and demand. If we are stopping our supply of oil and gas in this country, the demand is going to go up, and we will have to go elsewhere. If we want to become independent—and we could become independent if we were to exploit our own resources.

We have other reports that talk about the number of jobs at stake. Only two deepwater well permits have been issued in the last 11 months. I thought, at the time when we had the oilspill in the gulf, there were going to be people around saying: Aha, we are going to parlay this into stopping production, stopping exploration. Sure enough, they did.

While the moratorium on the gulf has been lifted, only two deepwater well permits have been issued in the last 11 months. Delays and continuation of the current permitting pace could cost 125,000 jobs in 2015, and getting down to the developing of Alaska's offshore, for example, would create 55,000 jobs a year. We are talking about a lot of jobs. We are talking about a lot of reasons we should go ahead and adopt this amendment.

Let's keep in mind what this amendment is. It is an amendment that would take away jurisdiction from the Environmental Protection Agency to regulate greenhouse gases, anthropogenic gases, and leave that as something that should be done by Members of the Senate and the House.

Senator BAUCUS from Montana said:

> I mentioned that I do not want the EPA writing those regulations. I think it's too much power in the hands of one single agency, but rather climate change should be a matter that's essentially left to the Congress.

That is what we are talking about. As we speak, the House is marking up the bill. It is the Upton-Inhofe bill over there, and over here it is the Inhofe-Upton bill. That is to stop EPA from this regulation.

Senator NELSON from Nebraska said:

> Controlling the level of carbon emissions is the job of Congress. We don't need the EPA looking over Congress' shoulder telling us we're not moving fast enough.

We have some eight Democratic Senators joining them saying that the EPA does not have the authority and should not be doing it. We are talking about Senators such as Senator MARK BEGICH, Senator SHERROD BROWN, Senator BOB CASEY, Senator CLAIRE MCCASKILL, Senator CARL LEVIN, and Senator MAX BAUCUS.

That is the reason I feel optimistic that if we can call up this amendment for a vote, we are going to have a favorable vote on it. I know all the Republicans are going to vote for it, and I think an awful lot of the Democrats will when we are facing a situation where we have gas going so high it is going to be difficult to not give serious consideration to this amendment.

I go further to say the administration has been of no help. I have a quote I have used several times on the floor. Steven Chu, the Secretary of Energy, told the Wall Street Journal that somehow we have to figure out how to boost the price of gasoline to the levels in Europe. That is $8 a gallon. What they are saying is, they want to do away with fossil fuels, and before we can go to other forms of energy, we have to do that. In the meantime, how do we run this machine called America? We cannot do it without oil, gas, and coal.

The bottom line is, we do have enough oil, gas, and coal to run this country. We could be independent from our reliance on the Middle East—totally—after a short period of time. People say: If we were to open all these places, it would be another 5 or 6 years before we are able to actually produce this oil and gas we so desperately need in this country. In response to that I say: First of all, it will not be that long. Secondly, I heard that same argument 5, 6 years ago, and if we had done it then, we would be there today.

We have a serious problem that is looming out there. I know others want to speak. I know Senator BARRASSO—by the way, Senator BARRASSO has a different amendment than this amendment, even though he is a cosponsor of this amendment No. 183. This would go into such things as NEPA, the Endangered Species Act, and the other things the EPA is trying to use to regulate greenhouse gases to change our lifestyle in America. That is where we are today.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for his courtesy. I am not speaking about this issue. I saw he looked over in this direction. I will be brief.

I rise to speak about the current debate over the Federal debt. Last week, H.R. 1, the House Republican scorched-earth spending proposal that counts among its casualties such priorities as border security, cancer research, disaster preparedness, and much needed investments in domestic energy production, was summarily defeated in the

Senate. That same day, a Democratic alternative that would have cut spending by $10 billion, compared to current levels, and $51 billion, compared to the President's budget request, was also defeated. We were hopeful these failed votes would be an opportunity to start afresh. We thought it would allow us to hit the reset button on the negotiations.

The purpose of those votes was to make it clear that both sides' opening bids in this debate were nonstarters and thus pave the way for a serious, good-faith compromise.

Unfortunately, an intense ideological tail continues to wag the dog in the House of Representatives. One week after those test votes failed in the Senate, House conservatives are still showing no yield. We have moved $10 billion in their direction. They have not budged an inch off H.R. 1, even though H.R. 1 did not get a single Democratic vote in the Senate. In fact, the Republican conservatives in the House are digging in. In the last 48 hours, there has been a wave of hard-liners who are now rejecting even the 3-week stopgap measure negotiated last week. This measure is needed to avert a government shutdown this Friday. But in a vote occurring very shortly in the House, there is expected to be a number of rightwing defections on this short-term continuing resolution.

Look, Democrats agree this short-term solution is not ideal. Running the government 2 weeks at a time is not good for anyone. We prefer not to have to do another stopgap measure, but we recognize the need, the necessity of averting a government shutdown.

Throughout this debate, Democrats have shown a willingness to negotiate, a willingness to meet Republicans in the middle. Yet the rank and file of the House GOP has been utterly unrelenting. They have wrapped their arms around the discredited reckless approach advanced by H.R. 1, and they will not let go.

But why are House conservatives bucking their leadership by resisting even the stopgap measure? It certainly cannot be because it does not cut spending because it does by another $6 billion over just 3 weeks. The real reason many of the House conservative Republicans, particularly the freshmen, oppose the stopgap CR is clear. It is because it does not contain the extraneous riders they demand.

H.R. 1 was chock-full of ideological policy measures. These items deal with controversial issues such as abortion, global warming, and net neutrality. They do not belong on a budget bill, but they were shoehorned onto it anyway. These measures are akin to a heavy anchor bogging down the budget negotiations.

In recent days, a number of rightwing interest groups—the Heritage Foundation and the Family Research Council—began encouraging Republicans to vote against any budget measure that does not contain these controversial policy measures. This is what is driving the defections on the Republican side.

For example, MIKE PENCE explained he is voting no because the 3-week measure doesn't weigh in on abortion. He is the author of the controversial hard-right amendment to defund Planned Parenthood. Yesterday, he said he wouldn't mind a government shutdown if it meant he could succeed in passing his rider. MICHELE BACHMANN said she is voting no because the short-term CR doesn't repeal the health care law. TIM HUELSKAMP, a freshman from Kansas on the Budget Committee, said he would oppose the stopgap measure because it lacked riders against EPA and against family planning.

We finally know why a compromise has been so hard to come by on the budget. It is because Republicans want more than spending cuts; they want to impose their entire social agenda on the back of a must-pass budget. They are entitled to their policy positions, but there is a time and place to debate these issues—and this ain't it.

We have seen this type of overreach before. In the recent battle in Wisconsin, where Governor Scott Walker went to war with the State's public workers. Governor Walker started out seeking concessions from the unions on their benefits in order to reduce Wisconsin 's budget shortfall. In the spirit of cooperation, unions agreed to reduce their benefits. But the Governor didn't take yes for an answer. He went further and insisted on ending collective bargaining entirely.

The budget fight going on right now in this Chamber is also about more than just budget cuts. The conservative Republicans in the House are showing themselves to be Scott Walker Republicans. They are using the budget to try to shoot the Moon on a wish list of far-right policy measures.

If this debate were only about spending cuts, we would probably come to an agreement before too long. But we will have a hard time coming to an agreement with these Scott Walker Republicans who are trying to use the budget to enact a far-right social agenda.

I urge Speaker BOEHNER to consider a path to a solution to this year's budget that may not go through the tea party. He should consider moving on without them and forge a consensus among more moderate Republicans and a group of Democrats because if these extraneous policy items are going to be a must-have on the budget, a compromise will be very, very, very hard to come by.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise this afternoon to speak in support of the incredibly important legislation that is on the Senate floor, the Small Business Innovation Research Program reauthorization, a bill, S. 493, which also reauthorizes the Small Business Technology Transfer Program.

I want to commend Senator LANDRIEU, the chair of the Small Business and Entrepreneurship Committee, and her ranking minority member, Senator SNOWE of Maine, for their leadership in moving this to the Senate floor. Getting this considered is vital to making progress on this bipartisan bill.

This is the third in a series of bipartisan bills we have taken up. The first two—the FAA reauthorization, and the second, the patent reform bill—have passed, and it is my hope that all of us in this Chamber will seriously consider supporting S. 493.

The 30 million small businesses in America are incubators of creativity and job creation. They drive our innovation sector and make us more competitive globally. In addition to employing over half our private sector workforce, small businesses are the backbone of our American communities and can be a source of economic advancement for millions of Americans in every State.

The Small Business Innovation Research Program, or SBIR, sets aside a small part of the research and development budget from a number of Federal agencies to be used as grants for small businesses, and the Small Business Technology Transfer Program, or STTR, helps scientists and innovators at research institutions take their discoveries and commercialize them through small business startups.

Since their creation in 1982 and 1992, respectively, SBIR and STTR have invested more than $28 billion in helping American small businesses turn into big businesses through innovation and commercialization of cutting-edge products. The classic example, which a number of our colleagues, including Senator LANDRIEU, have highlighted in the conversation so far is Qualcomm of San Diego, which began as a small business of just 35 employees and has now, in fact, grown to a company of 17,000. It pays more in taxes every year than the whole budget of the SBA.

We can't lose sight that every large company in America at one point began as a small business. The SBIR and STTR Programs were created through bipartisanship and should maintain wide support. In fact, SBIR was signed into law by former President Ronald Reagan. They more than pay for themselves and the jobs and economic growth they create and the taxes paid by these companies as they grow.

For too long, the Senate has kicked the can down the road by passing temporary extensions month after month, year after year, for these two vital programs. This week, at long last, we have a chance to pass real long-term reauthorization.

It is a shame that we had to vote for cloture even to just begin debating this bill which has wide bipartisan support. Ideology should not trump practical solutions that can put more Americans back to work and get our economy

moving again. These two programs are proven vehicles for growth in all our States, including my home State of Delaware.

In Delaware, where we have a strong and growing high-tech sector, small businesses have been benefiting from these two programs. With your forbearance, Mr. President, I will, for a moment, just mention three.

One Delaware company that received a critical SBIR grant was Elcriton. Elcriton started with two employees who patented a process to take bacteria which turned algae into butanol for fuel. Imagine that. Think of the possibility of literally using pond scum to produce fuel for cars and trucks. Butanol is superior to ethanol in many respects because it is more compatible with the whole current petroleum infrastructure. This SBIR grant enabled this company to expand significantly, to grow their production, and to scale up not just the research and development but their early-stage manufacturing.

Another company—Compact Membrane Systems of Newport, DE—is putting a $1 million SBIR grant to work developing a hollow fiber filter that is used to filter hydraulic fluid from water. This extends the life of machinery, such as wind turbines, that use hydraulic fluid or filter oil. They started with three employees and now have 24. Five of those hires were directly made possible through the SBIR grant.

Last, in Newark, DE, ANP Technologies is using an SBIR grant to build biological detection systems for our American Department of Defense. The kit they are developing is rapid, lightweight, and lifesaving for our troops and our first responders. This is another example of a great application of cutting-edge technology by a small business that will have positive impacts for our first responders, our Armed Forces, and my home community of Newark, DE.

Since 1983, over 403 Delaware small businesses have received more than $100 million in SBIR grants. I know every one of my colleagues in the Senate has a similar positive story from his or her State. Each one of these businesses I just spoke about in Delaware could be the next Qualcomm. Any one of the small businesses in our States that receive grants through SBIR and support through STTR could generate a revolution in high tech that spurs the creation of thousands of jobs.

In my view, we cannot afford to let this critical job-creating program expire. According to one report, businesses backed by SBIR grants have been responsible for almost one-quarter of our Nation's most important innovations over the past decade, and they account for almost 40 percent of our Nation's patents. The applications range from the military to medicine, from education to emergency services.

Congress must have a smart approach to budget reform that balances budget cuts with strategic long-term investments that create growth and job creation for our communities—a great example of exactly what it is that the SBIR and STTR Programs do. I hope all our colleagues will join in supporting Senator LANDRIEU of Louisiana in supporting this vital bill and the great work she and the committee have done to advance it to this stage.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I sincerely appreciate the remarks of the Senator from Delaware and thank him for his support not only of this program but for his expertise and leadership in the whole area of small business innovation and technological advancements. He was quite a leader in his previous positions in Delaware, and he brings a great deal of expertise to the Senate.

I know the Senator from Alaska is on the floor to speak about an amendment that is pending for debate and consideration. We may have amendments that are called up for votes today—that has not been finally decided—but we can come to the floor, of course, and offer amendments and debate several that are pending.

One thing I want to say before I turn it over to Senator MURKOWSKI is that I think Senator COONS hit the nail on the head when he said a smart budget plan is going to work to meet the challenges of this extraordinary debt we have that has been caused for multiple reasons. It is important we address that correctly and not just one-sided.

This bill addresses a significant aspect of smart budgeting and debt reduction by creating jobs that generate revenues for governments at the local level that are looking for those revenues, at the State level where they are desperate for those revenues, and at the Federal level that could most certainly use some additional tax revenues so we can maintain our leadership in strategic investments.

Now, there were some on the floor this morning and in the Senate who said the only way to get to a balanced budget is by slashing some of the important programs that help create the atmosphere in America for businesses to thrive. Some of that would be strategic investments in infrastructure; some of that would be strategic investments in education. But even the Business Roundtable would say the last programs we should be cutting from the budget are effective job training and education programs. Yet, according to the philosophy of some, those are the first programs that get slashed.

That is not smart budgeting. That is not closing the budget gap. That is not putting your head to the problem. What the Senator from Delaware said is, it is a combination of some strategic cutting and some discretionary budgets. We are going to have to pare down the defense budget appropriately and find some cuts in some savings.

Even Secretary Gates acknowledges there is waste, fraud, and abuse in the Defense bill. But, most importantly, I think Democrats and Republicans are coming together to say we can grow our way out by producing jobs, and this reauthorization bill is one of the bills that can actually do that. So I just wanted to put a little exclamation point on that part.

I see the Senator from Alaska, who is going to be expressing her views on one of the amendments that is pending. Then Senator BOXER is also on the Senate floor, as is Senator LAUTENBERG from New Jersey. I think Senator SNOWE may want to say just one word.

Senator SNOWE is here to offer an amendment. So why don't we turn to Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Just a parliamentary inquiry: Since we are going back and forth, I ask unanimous consent to be recognized after Senator MURKOWSKI.

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

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank the chairman of the Small Business Committee, as well as the ranking member, for their work on this legislation. Senator LANDRIEU has spoken about the necessity, particularly in this environment today, as we are coming out of a recession, to ensure we have a conducive environment for our small businesses to thrive. It is not just about incentives and opportunities, it is that business environment.

One of the things I think is important for us as policymakers to look at is those things that are put in place that perhaps smother our businesses, whether it is through regulation or the cost of permitting, but also those things that create uncertainty. That is what I would like to speak to for just a few minutes this afternoon.

The minority leader put forth an amendment several hours ago that would put a stop to the EPA's command-and-control climate regulations. This is an amendment for which I am rising today to offer my support. This is not the first time I have had an opportunity to be here on the Senate floor to speak about my concern about the agency advancing policies ahead of the Congress; of the EPA advancing regulations that set climate policy—again, before the Congress had acted. We spent a considerable amount of time here last year discussing the pitfalls of EPA's massive and unprecedented expansion of regulatory powers as they sought to advance those regulations that would impose that uncertainty on our businesses.

I remain as convinced now as I was when we had the arguments previously, when we were talking about this resolution of disapproval against the EPA, I remain as convinced as ever that EPA's efforts to impose these backdoor climate regulations is the wrong way, and perhaps it is the worst way to address our Nation's energy and climate challenges.

Our country is struggling to recover from the worst economic downturn in our modern history. We talk daily about the need for us, as lawmakers, to advance those policies that will help our Nation restore job growth. All this is going on in the midst of global events that are clearly out of our control. We have chaotic global events that have driven our energy prices to near 2-year highs. The last thing in the world for us to do would be to allow unelected bureaucrats to impose new economic burdens on our families and on our businesses.

In combination with these recent events overseas, the EPA's regulation of greenhouse gases is contributing to increased energy prices. The proliferation, the numbers are astounding in terms of what the EPA is advancing in terms of these regulations that hit our businesses every day. The proliferation of EPA rulemaking on climate change is creating pervasive uncertainty throughout our economy. It has stymied and delayed new investments in energy production and this will only become worse once the temporary relief provided by the EPA's ''tailoring rule'' is tossed out by the courts or perhaps ratcheted down by EPA's own timeline.

What is most troubling is that the EPA has consistently failed to consider what the economic impact of their rulemaking is. We have asked repeatedly. Yet there is no response back from the EPA. It is kind of a shell game that we have seen moving forward. First, the EPA claimed its endangerment finding is simply a scientific finding, it is nothing more; there is not going to be any regulatory burden that will be created as a result of this.

Then we saw a deal struck between the automakers and the State of California and the environmentalists and the EPA to tie emissions standards to already enacted mileage increases for light-duty vehicles. That move then triggered regulation of greenhouse gases under the Clean Air Act for all emitters, including stationary sources. But here again there was no economic analysis provided by the EPA. A lack of this analysis or this assessment and the lack of information led many Members of Congress, myself included, to repeatedly ask for a study of the potential impacts. But EPA has disregarded these requests. Finally, they published their tailoring rule, which was not only finished without a real economic analysis, but it was somewhat brazenly pitched as regulatory relief. They first said this was not a burden that had been imposed, and then they come back and say now we are providing regulatory relief. That is kind of an odd claim to have made.

But what became clear throughout all of this is that the EPA wants us to believe that none of their actions have imposed new regulatory requirements and therefore there is no cost. If we have not added any regulatory burden there is not going to be any subsequent cost.

But this assertion simply denies logic. Their regulations require that expensive new permits be obtained. To do that you have expensive new technologies that have to be purchased, installed, and operated.

In the next few years these requirements will become more severe and more businesses will be folded in to face them. To accept these economy-wide climate regulations with no substantive analysis of their economic impacts is to take a huge gamble with an already fragile American economy. This is a gamble that I believe we should not take. The amendment from the minority leader that was presented earlier today would ensure that we do not.

As I mentioned just starting off on my comments, I think it is fitting that this debate does take place on legislation that is designed to help our small businesses. It is true that because the EPA has decided they are not going to regulate greenhouse gases under the Clean Air Act—but not according to it—they are not going to regulate the small businesses at this point in time. Soon, however, they are going to be caught up in the same net as their larger counterparts. In the meantime, as the customers of the refiners and powerplants throughout the country that are now regulated, our small businesses will inevitably face increased costs. Innovation should not mean having to find creative ways to comply with government regulations in order to keep your doors open.

Fortunately, it is not too late to prevent this situation from becoming worse. The first round of regulations kicked in at the start of this year, and then the so-called New Source Performance Standards for refineries and powerplants, one of the next steps in the EPA's regulatory process, are not expected until later this year. We can and we should step in now to prevent this additional growth of the now sweeping regulatory burden from the EPA. If we do not act now, if we fail to act now, America's competitive position in the world will continue to deteriorate.

This should be cause for concern for all of us serving here in the Congress. Unfortunately, we have not only failed to put a stop to this agenda but some have actually embraced it. Explanations are out there, I am sure. Perhaps the most common is a misplaced hope that by forcing consumers to pay more for energy, somehow or other this is going to usher in the green jobs to manufacture the wind turbines and other equipment that can just as easily be made overseas. It is this kind of thinking that brought us to where we were last year, or the year before, with the tremendously unpopular cap-and-trade bill.

For too many in this town, here in Washington, DC, higher energy prices have been an explicit goal. The President, when the cap-and-trade proposal was being debated, very clearly stated—his words—''electricity rates would necessarily skyrocket.''

The Secretary of Energy has said a couple of years ago, ''Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.'' Notably, I think those comments were made when gasoline was even more expensive than it is today.

But every Member of this Chamber should recognize where EPA is going with these regulations. They are the administration's plan B, initially meant to force us here in Congress to pass cap-and-trade and now of course substitute for it. I think the question that is worth asking is, if cap-and-trade could not pass for lack of support, why should we let these regulations replace them? If we would not agree to a legislative program because it was too damaging, why would we let command-and-control regulations, pressed into place through rulemakings, be the answer instead?

If we knew these regulations are a bad idea whose time should not have come, why—why—would we let American families and businesses suffer greater and greater consequences?

In the midst of our economic recovery and high energy prices, we need to protect our small businesses, not expose them to new regulatory burdens. I think the amendment of the minority leader would do just that. I am hopeful the Senate will have an opportunity to vote on it and pass it within the near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have the floor now to respond to some of the statements of my friend from Alaska, and also to be able to enter into some colloquies about this very dangerous and radical amendment. But before I do that, without losing my right to the floor, I yield for a moment to Senator SNOWE to lay down an amendment.

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

The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator from California for yielding to me so I could call up an amendment. I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 193

Ms. SNOWE. Mr. President, I rise to call up amendment No. 193.

The PRESIDING OFFICER. The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Ms. LANDRIEU, and Mr. COBURN, proposes an amendment numbered 193.

Ms. SNOWE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the Federal authorization of the National Veterans Business Development Corporation)

At the end of title V, add the following:

SEC. 504. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), as amended by section 201(b)(3) of this Act, by striking ''section 34(d)'' and inserting ''section 33(d)'';

(C) in section 9(s), as added by section 201(a) of this Act—

(i) by striking ''section 34'' each place it appears and inserting ''section 33'';

(ii) in paragraph (1)(E), by striking ''section 34(e)'' and inserting ''section 33(e)''; and

(iii) in paragraph (7)(B), by striking ''section 34(d)'' and inserting ''section 33(d)'';

(D) in section 35(d) (15 U.S.C. 657i(d)), as so redesignated and as amended by section 201(b)(5), by striking ''section 42'' and inserting ''section 41'';

(E) in section 38(d) (15 U.S.C. 657l(d)), as so redesignated and as amended by section 201(b)(6) of this Act, by striking ''section 42'' and inserting ''section 41''; and

(F) in section 39(b) (15 U.S.C. 657m(b)), as so redesignated and as amended by section 201(b)(7) of this Act, by striking ''section 42'' and inserting ''section 41''.

(2) THIS ACT.—

(A) IN GENERAL.—The amendments made by section 205(b) of this Act shall have no force or effect.

(B) PROSPECTIVE REPEAL OF THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(i) by striking section 42, as added by section 205(a) of this Act and redesignated by paragraph (1)(A) of this subsection; and

(ii) by redesignating sections 43 and 44, as redesignated by paragraph (1)(A) of this subsection, as sections 42 and 43, respectively.

(3) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking ''In cooperation with the National Veterans Business Development Corporation, develop'' and inserting ''Develop''.

(4) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking ''and the National Veterans Business Development Corporation''.

(5) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking ''any of the'' and all that follows and inserting ''any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).''.

Ms. SNOWE. Mr. President, I will address this amendment later. I wish to add that the Chair and Senator COBURN are both cosponsors of this amendment as well.

I thank the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am happy my friend has her amendment lined up so we can get to that.

I commend, first of all, the Senator from Louisiana for her measure that is before us. It is a bill I support very strongly. Therefore, to say I was disappointed to see an unrelated amendment offered is an understatement. But that is the way it is. We are going to have to vote on this. Frankly, we have had votes similar to this before. I feel comfortable and hopeful that we will defeat this amendment.

In about 5 minutes I am going to yield for a question to my friend from New Jersey, but before I do that I want to make about 5 minutes worth of remarks.

The amendment that is pending on this bill has been named by Senators MCCONNELL and INHOFE The Energy Tax Prevention Act. Good title. The bill doesn't do one thing to lower the price of oil—not one thing. We know what we can do right now to lower the price of oil. We know we should go after the speculators who are speculating on futures. We know we have the Strategic Petroleum Reserve that the President is looking at. Every time we have taken some oil out of that it has had a salutary impact on the price of gas immediately. We know we should increase our investment in alternative clean fuels. We know what we have to do. We have to work for more stability in the Middle East. Most of all, we have to get off foreign oil. We cannot be hostage to what is going on in the world. This bill does nothing about it. It has a good title but it has nothing to do with the price of oil. We know what we have to do to do something about that. I hope we will.

Let me tell you what I would name this amendment. I would not name it what it has been called, the Energy Tax Prevention Act, because it doesn't do a thing about that. I would call it the Reliance On Foreign Oil Forever Act, because part of it says we can no longer look at fuel economy through the Clean Air Act and make gains on fuel economy.

We all now have the opportunity to buy gas-efficient cars. How do you think that happened? It did not happen without some leadership here. As a matter of fact, the Senator from Maine, OLYMPIA SNOWE, was very involved in that. My colleague Senator FEINSTEIN was as well. We all worked on this—Senator LAUTENBERG. We said we are going to have more fuel-efficient cars. According to this, it is over and no State can step out and pass tougher fuel economy standards. It is stopping our States from acting. That is No. 1. So I call it the Reliance On Foreign Oil Forever Act because as long as we drive cars that do not do well on fuel economy, we will be stopping at the gas pump. Mark my words.

How wonderful is it for me. I drive a hybrid car. I go about 50 miles per gallon. I can wave at that gas station and say I am glad I don't have to stop here for a long time.

If you don't want to name the amendment the Reliance On Foreign Oil Forever Act, you can name it something else:

The More Air Pollution for Americans Act. The More Air Pollution for Americans Act. More air pollution. Now, we all ran for office and we all run for office. I never met one person who said: Please go back there and get me more air pollution. Not one person ever said that. What they tell me is that they know someone with asthma. They have asthma. Their kid has asthma.

So here is what happens here. This bill says, forever, the EPA can never, ever go after carbon pollution. Let me repeat that. This amendment, despite the fact that the Clean Air Act specifically says that carbon pollution is covered, says, no more. EPA cannot go after it. It is going to keep on keeping on, and there is going to be more air pollution for every American. That is what this amendment promises that they want to pass.

I have to tell you, my colleagues are playing scientist and they are playing doctor. They are deciding for us whether we should be exposed to pollution. When we hear from my colleague, Senator LAUTENBERG, we are going to hear what it is like to have a grandchild with terrible asthma and to worry about it 24/7.

So who are the real doctors and what are they saying? We got a letter in opposition to this terrible amendment from the American Lung Association. I guarantee you, Mr. President, even though you are an extremely persuasive person, if you went outside and just stopped people on the street and said: Well, who is really more trustworthy about your health, the American Lung Association or a Senator, I don't care what you say, they would take the American Lung Association. They oppose this.

The American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the Physicians for Social Responsibility and Trust for America's Health—they write to us.

I ask unanimous consent to have this printed in the RECORD.

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

MARCH 15, 2011.

DEAR SENATOR: We the undersigned write to express our strong opposition to the McConnell Amendment, known as the ''Energy Tax Prevention Act of 2011.'' We believe that this legislation would block the Environmental Protection Agency, EPA, from setting sensible safeguards to protect public health from the effects of air pollution.

Our organizations are keenly aware of the health impacts of air pollution. The Clean Air Act guarantees all Americans, especially the most vulnerable, air that is safe and

healthy to breathe. Despite tremendous air pollution reductions, more progress is needed to fulfill this promise.

If passed by Congress, this legislation would interfere with EPA's ability to implement the Clean Air Act; a law that protects the public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, heart attacks, strokes, emergency department visits, hospitalization and premature deaths. A rigorous, peer-reviewed analysis, The Benefits and Costs of the Clean Air Act from 1990 to 2020, conducted by EPA, found that the air quality improvements under the Clean Air Act will save $2 trillion by 2020 and prevent at least 230,000 deaths annually.

Additionally, the public strongly opposes Congress blocking EPA's efforts to implement the Clean Air Act. A recent bipartisan survey, which was conducted for the American Lung Association by the Republican firm Ayres, McHenry & Associates and the Democratic polling firm Greenberg Quinlan Rosner Research indicates the overwhelming view of voters: 69 percent think the EPA should update Clean Air Act standards with stricter limits on air pollution; 64 percent feel that Congress should not stop the EPA from updating carbon dioxide emission standards; 69 percent believe that EPA scientists, rather than Congress, should set pollution standards.

The McConnell Amendment would strip away sensible Clean Air Act protections that safeguard Americans and their families from air pollution. We strongly urge the Senate to support the continued implementation of this vital law.

Sincerely,

CHARLES CONNOR,
President and Chief Executive Officer, American Lung Association.

GEORGES C. BENJAMIN, MD, FACP, FACEP (E),
Executive Director, American Public Health Association.

DEAN E. SCHRAUFNAGEL, MD,
President, American Thoracic Society.

BILL MCLIN,
President and CEO, Asthma and Allergy Foundation of America.

PETER WILK, MD,
Executive Director, Physicians For Social Responsibility.

JEFFREY LEVI, PhD.,
Executive Director, Trust for America's Health.

Mrs. BOXER. ''We the undersigned write to express our strong opposition to the McConnell amendment known as the Energy Tax Prevention Act of 2011. We believe this legislation would block the Environmental Protection Agency from setting sensible safeguards to protect public health and the effects of air pollution.''

So here is where we are. This is a terrible amendment. It is going to keep us reliant on foreign oil. It is going to overturn the endangerment finding, a health finding made by scientists and doctors that says carbon pollution is dangerous. It is even going to stop us from having a greenhouse registry where we know how much carbon pollution we are producing. This is a radical amendment. I trust we will defeat it.

I yield to Senator LAUTENBERG, without losing my right to the floor, for a question.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I would ask the Senator from California how she sees the amendment we are discussing in terms of the lives of our countrymen as we see them. And I wish to first mention what I see and see if the Senator agrees with me.

Mrs. BOXER. Absolutely.

Mr. LAUTENBERG. The amendment that has been proposed by the Senator from Kentucky, Republican MITCH MCCONNELL, is as dangerous an effort as we can imagine. It would undermine our children's health while helping polluters and their lobbyists. And what a strange thing this is. I hope the American public sees it for what it really is. It is an attack on the well-being of our children, our grandchildren, at the expense of promoting those companies, taking the rules off so those companies can run rampant, do any darned thing they want, put up any pollution they feel like doing, not having to care that effluent from their manufacturing process has to be properly packaged away but just dump it, get rid of it. Often, those dump sites wind up as Superfund sites. But it does not matter; just go ahead and do what you want.

I was watching television, as everybody here must be, looking at the calamity that struck Japan, and I saw one bright moment. They found a child who was under debris for something like 3 days, and they unearthed her. She was so beautiful, and it brought tears to my eyes—I am a tough guy, it is believed—to see this beautiful thing alive and wanting to be protected and continue her life.

I never met a grandparent who was not ready to show you pictures of their latest grandchild. So there is no deeper love that can be found.

Here, we hear the message that has been going around: Let's get rid of the EPA's ability to regulate. Who are they to tell us what businesses can do?

Thank goodness that in this democratic society in which we live, there are rules and regulations to keep us as a civilized nation. The Supreme Court and scientists at the Environmental Protection Agency agreed that the Clean Air Act is a tool we must use to stop dangerous pollution.

This amendment, it is very clear, favors one group—the business community. I come from the business community. I know what companies will do to help stretch their profits. Most companies do it reliably, honestly, and so forth, but there are others who encourage this kind of thinking and say: Get rid of this regulation, this bureaucratic stuff.

You know, the Republican tea party politicians—and we see them, we see their thoughts reflected here—say: Just ignore the Supreme Court. Ignore the scientists. We know better. They want to reward the polluters by crippling EPA's ability to enforce the Clean Air Act.

Gutting this vital law is a clear and present danger. The Clean Air Act protects our children from toxic chemicals in the air and illnesses such as asthma and lung cancer. Last year alone, the law prevented 1.7 million cases of childhood asthma—1.7 million children—and more than 160,000 premature deaths, according to the EPA.

Those numbers are gigantic, but they loom much larger when it is your child, when it is your doctor who says: I hate to tell you this, Mr. or Mrs., but your child is sick. Your child has asthma. Your child may have lung cancer. And the largest cause of these conditions is pollution in the air.

Numbers are big in what we say here because it doesn't seem to be entering the thought process. What goes around comes around, and it may be your child in danger, and heaven forbid, because there isn't a parent or a grandparent around who wouldn't give their own life to protect the lives of their children or grandchildren.

Do you really want to know the real value of the Clean Air Act to American families? Talk to the millions of parents who live in fear of their child's next asthma attack, and it is one my own family knows very well. A grandson of mine suffers from the disease. He is an active athlete, and every time he goes to a soccer game or another game, my daughter first checks to see where the nearest emergency room is because if he starts wheezing, she knows very well that she has to get him to a clinic.

The experience in our family with asthma is a tragic one. My sister, who was in her early fifties, 52 years of age, was at a school board meeting when she felt an attack of asthma coming on. She started out to run to her car, where she carried a little plug-in respirator. She never made it. She collapsed in the parking lot, and she died within 3 days.

So when you see the effects of these things, you say: What could we possibly do to prevent this from happening again to another family, to another relative? The tea party Republicans say to these families: Clean air is nice, but, listen, these companies have to make money, they have to pay dividends, they have to pay big salaries to these executives. So for them, on that side, they say the most important thing is those profits, those companies. Too bad, kids; sorry, we can't help you.

The tea party Republicans say you can't restrict polluters with regulations. It is too cumbersome. By their logic, we ought to get rid of traffic signals. Those red lights really slow down traffic. It is a darn nuisance. How does that sound for logic? That is what they are essentially saying. While we are at it, maybe we ought to get rid of the air traffic control system, too, because

why should pilots of these big aircraft have to wait for some government bureaucrat to tell them where and when they can land or take off? Just another bureaucratic agency. As ridiculous as it sounds, that is how ridiculous this sounds and should sound to the American people, the people across this country.

Stop it, Republicans. Stop threatening our children. Stop taking away a level of protection they now have. And if the tea party Republicans have their way, we will get rid of these environmental regulations because they interfere with some of these companies' rights to pollute. Do we want to protect our children from playing outside in foul air by keeping them indoors on a permanent basis or would it be better if the air were clean and they could go outside and play and you don't have to worry about it?

If you want to see where the Republicans will lead us, look at China. China has no clean air act. The air there is so polluted that many people wear masks when they walk outside. During the Olympics in Beijing, some U.S. athletes delayed their arrival to avoid the exposure to the polluted air.

I was on a trip to China some years ago, and I went to visit the Minister of Environment. He started complaining about how much of the energy supply the United States uses and fouls the air. So I was stunned because I had looked outside the window, and I invited him to join me from the 23rd floor and look down at the street. The only thing is, you couldn't see the street. It was so blocked with soot and mist, poisonous mist out there, you couldn't see the sidewalk. That is how heavy the pollution in the air was. We don't need that.

We want to make sure we take care of our obligation to our families, to the children, and the strongest obligation anybody has in America is to the kids. The bottom line is that a day on the playground should not end in an emergency room. But for millions of children with asthma in America, that is exactly where the tea party Republicans want to take our country.

As a corollary, I just met with a group concerned about diabetes, parents, each one of them, of a child with diabetes. I have a grandchild who suffers from diabetes. The forecast is that of children born in 2000, the year 2000, one-third of them will ultimately have diabetes. And it sends a chill through your body when you look at these kids and you think, well, one of the three of them is going to be a diabetic before their life ends.

I use that example to remind everybody, those who can see and hear what we are talking about and those on the other side who want to sweep away all of the protections we passed with the Clean Air Act and let those who would pollute go on unencumbered. So I hope my colleagues will stand up and vote down this amendment.

I ask the Senator from California, do you generally agree with what I have had to say here?

Mrs. BOXER. Well, I say to my friend, not only do I generally agree, I agree wholeheartedly.

Let me show you a picture of a couple of kids. We have a couple of pictures. I would love my friend to look at this, these beautiful children.

They say a picture is worth 1,000 words. This is worth 1 million words. This baby has to go to a mask to breathe air because the air is so foul. We have another picture of another child. I am sure my colleague has seen it. I am a grandma. I would say we are talking maybe 3 years old, maybe even younger, a child knowing how to gasp for air. Here is another beautiful child. The answer I give to my friend is—thanking him for his passion, because this is what he has dealt with with one of his grandkids, the fear, the bloodcurdling fear, as my friend has said over and over, that when he is out and playing a sport, he might have to rush to an emergency room and my friend's daughter having to know in advance where the nearest emergency room is—this amendment is an attack on our children.

Let me prove it. We have the leading health experts who have just sent us a letter telling us it is an attack on our children. I put up any Senator against these groups for a debate. When I hear from the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation, from physicians across the country, the Trust for America's Health—they say: Beat this McConnell amendment; it is dangerous—I listen. So should every American. I don't care if one is a Republican or a Democrat.

The Senator from Alaska was railing against the Environmental Protection Agency. Let's see what the American people think of the Environmental Protection Agency. There was a bipartisan poll done by a Republican pollster and a Democratic pollster. Sixty-nine percent of Americans think EPA should update the Clean Air Act standards with stricter air pollution limits. The McConnell amendment says to EPA: You may not do this. You may not update air pollution standards as it relates to carbon pollution.

We are a country that is polarized by a lot of issues. I appreciate that. I often say, I just came out of an election that was tough. But 68 percent of the people believe Congress should not stop EPA from enforcing Clean Air Act standards. Let me repeat: 68 percent of the American people—this poll was done February 16, very recently—believe Congress should not stop EPA from enforcing Clean Air Act standards. Guess what the McConnell amendment does. It stops the EPA from enforcing Clean Air Act standards.

Sixty-nine percent believe EPA scientists, not Congress, should set pollution standards. What does the McConnell amendment do? It says that MITCH MCCONNELL and JIM INHOFE—my buddy, my pal, and we are friends. But on this one, we are on opposite sides. I stand with the American people on this one. Sixty-nine percent say EPA scientists, not Congress, should set pollution standards.

Why would that be? These are people from Alabama, Florida, California, New Hampshire. It doesn't matter. This is a huge number. Why do they think that? Common sense. We trust doctors and scientists to tell us what is good for us, not politicians. Period. We have Members of Congress who are doctors. But I have to say, some of them come out against the science and the doctors because they have given that up. They are politicians now. Here is the deal. We have the McConnell amendment. It is taken straight from the Upton bill in the House and the Inhofe bill in the Senate that stops EPA in its tracks from updating Clean Air Act standards, so that we have a standard for carbon pollution which is dangerous. Who tells us it is dangerous? The doctors. Who tells us it is dangerous? The scientists. Who made an endangerment finding? The Environmental Protection Agency.

Do my colleagues know who actually came up with the idea of an Environmental Protection Agency in the 1970s? Richard Nixon. Everyone knows Richard Nixon was a Republican. By the way, I have the same Senate seat he once held. In this, we are in agreement. The EPA was a brilliant idea. Why? Because if we can't breathe, we can't work. My colleagues may think they are doing something for the economy by telling the EPA to go into their rooms and forget about their jobs. But when people start getting more asthma, when there are increased premature deaths, they will think about it again.

Let me show my colleagues what happened in Los Angeles since the Clean Air Act was passed. This is an amazing graph. I hope people can see this clearly. In the 1970s, when Richard Nixon and Congress voted the Clean Air Act in—and it was voted in with a huge majority, it was overwhelming—in Los Angeles, 166 days were lost where people were told they had to stay in, sensitive people. I remember those years. You used to go to the radio to make sure it was safe to go out, if you had a kid with asthma or you had a mom who had a breathing problem. More than half the year, in those years, you couldn't go out of the house. Think about what that says about the economy, when people are trapped inside their houses. Think about what it means to their freedom of movement and think about what it means to the economy when so many people have to stay home and not go to work, not go to school.

Over the years, as the EPA starts to do its job, we start to see fewer and fewer lost days where people could actually go out. I am proud to tell my

colleagues, in 2010, in Los Angeles, which was once the smog capital of the Nation, not one day was there an advisory, not one day. What more of a success rate can we have?

Do my colleagues want to see more success? I will show you some of the benefits in another way. The Congress said to the EPA: We want to make sure there are benefits that go along with your enforcement of the Clean Air Act, so that when you go to a company that is belching smoke and you say they have to install some cleanup devices, it is working. What did we find out? In 2010, the Clean Air Act prevented 160,000 cases of premature death. We understand why the heart doctors and the lung doctors and the physicians and the public health doctors are telling us: Don't vote for McConnell. It will turn the clock back. We saved 160,000 lives in 2010 alone. Projected out, it is going to go way higher in the number of premature deaths averted, if we move forward with the Clean Air Act and we don't substitute politicians for doctors and scientists. Clearly, we are on the right track. In the future, we prevent even more deaths—230,000, to be exact, by 2020.

I don't care if one is a Republican or a Democrat, liberal, conservative, Independent, whatever, this has nothing to do with politics. This has to do with families. This has to do with health. That is why we see 69 percent of the people saying: Congress, butt out of this. Let the EPA do its work. That is why a defeat of the McConnell amendment means we are standing with the doctors, with the scientists and, more than anything else, we are standing with the kids. We are standing with these beautiful kids, these kids who at age 3 are having to learn how to breathe oxygen because they can't go outside because the air is dirty.

Whose side are we on? Are we on the side of this baby and his family or are we on the side of the biggest polluters in the country who are making billions of dollars? They are doing fine, and all they have to do is do a little bit more to clean up the air. We had lots of arguments over the years. Every time we had Clean Air Act amendments, people argued: Don't do it. The air is clean enough. Stop. Enough. Business can't do it.

Guess what we found out. Not only did business step up to the plate and do it, but what was created was an incredible export business, exports of clean air products, technologies, machinery, the best available technology made in America. We are talking about taking the lead on clean air and keeping it, not retreating.

We remember when the Berlin Wall came down. Everyone said: Hooray. But then they could see the air settling on the other side. Germany did the right thing, and they said: We are going to clean up the air in Eastern Europe. Because without clean air, you can't have growth.

I am happy to see my friend from Washington State. I will yield to her for a question. I want her to know how much I rely on her leadership. MARIA CANTWELL has been a leader from the beginning on clean air, clean water, safe drinking water, cleaning up Superfund sites. She never flinches.

Before I yield for a question, I started off my debate by telling the Senate what my friends on the other side call their amendment. They call it the Energy Tax Prevention Act. I have already told my colleagues why it should be called the more air pollution for every American act or, if they don't like that, we could call it the relying on foreign oil forever act. That is what it truly is. It stops us from cleaning up our air, which the people definitely do not support, 69 percent of the people in a bipartisan poll.

I ask unanimous consent to have printed in the RECORD this Truth-O-Meter Politifact. That is an independent Web site that judges the truth of these claims.

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

FRED UPTON SAYS PENDING BILL TO BLOCK EPA CURBS OF GREENHOUSE GASES WILL ''STOP RISING GAS PRICES''

To hear Reps. Fred Upton and Ed Whitfield talk about their new energy bill, you'd think it will prevent gas prices from increasing before your next fill-up.

Upton, the Michigan Republican who chairs the influential Energy and Commerce Committee, and Ed Whitfield, the Kentucky Republican who heads the Energy and Power subcommittee, recently argued in a letter to fellow lawmakers that one way to stop rising gas prices would be to pass the Energy Tax Prevention Act of 2011 (H.R. 910).

The bill grows out of longstanding frustration by industry groups and lawmakers who believe that Environmental Protection Agency regulations unnecessarily burden many companies.

The measure—which Whitfield's subcommittee approved on March 10, 2011, and which now heads to the full committee—would prevent the EPA from regulating greenhouse gases for the purpose of addressing climate change.

Here's a portion of what Upton and Whitfield wrote to their colleagues in the March 8, 2011, letter, which is headlined, ''Concerned About High Gas Prices? Cosponsor H.R. 910 and Make a Difference Today!!''

''Whether through greenhouse gas regulation, permit delays, or permanent moratoriums, the White House takes every opportunity to decrease access to safe and secure sources of oil and natural gas,'' the lawmakers wrote. ''Gasoline prices have climbed dramatically over the past three months. American consumers deal with this hardship every day, and as this poll indicates, the majority of respondents do not see the pain subsiding anytime soon. Americans also understand the realities of supply and demand as it relates to oil prices. Unfortunately the White House does not. . . .

''H.R. 910, the Energy Tax Prevention Act of 2011, is the first in this legislative series to stop rising gas prices by halting EPA's Clean Air Act greenhouse gas regulations. As one small refiner testifying before the Committee on Energy and Commerce put it: 'EPA's proposed [greenhouse gas] regulations for both refinery expansions and existing facilities will likely have a devastating effect on . . . all of our nation's fuels producers. . . . If small refiners are forced out of business, competition will suffer and American motorists, truckers and farmers will be increasingly reliant on foreign refiners to supply our nation's gasoline and diesel fuel.'

''We . . . have taken the first steps in attempting to restrain this regulatory overreach that will restrict oil supplies and cause gasoline prices to rise.''

But can the bill really stop gas prices from going up, as the letter says?

We'll look at two key questions. Could the proposed EPA regulations on oil refineries actually increase prices at the pump? And when would the impact of the regulations be felt?

As to the first question, experts had different opinions.

The oil industry argues that regulations imposing new costs on refiners could force U.S. refineries to charge more. (The proposed regulations are supposed to shield smaller operations from regulatory impacts, but experts said that a significant proportion of U.S. refineries would indeed be affected.)

''It's Economics 101,'' said John Felmy, chief economist at the American Petroleum Institute. ''The refinery business is a very low-margin business. They have no margin for error and face tough competition internationally.''

Others argue the refining industry could adapt to new regulations.

''Looking at past public claims when the Clean Air Act was passed would show that U.S. refining capacity still managed to increase over time, despite the high expense refiners had to put out to comply with the Clean Air act,'' said Amy Myers Jaffe, a fellow in energy studies at Rice University.

''So one might imagine, depending on the details on how carbon regulation would be implemented, U.S. industry could likely similarly adjust,'' Jaffe said. ''It depends on the specifics of how a policy is implemented. There are no doubt some small refineries in the United States that might be really inefficient, so maybe some of them would close if they had to increase their costs substantially, but tiny, uncompetitive, regional refineries are not the main thing that makes the US refining and marketing industry 'competitive.' ''

Indeed, while a shift to overseas refiners could have negative consequences for the nation—it could weaken the United States' industrial base, threaten U.S. jobs and pose problems for national security—it's not a foregone conclusion that prices at the pump would rise. If U.S. refiners become less competitive and more oil is instead imported from overseas refiners, it will be because the cost of refining overseas becomes more competitive. That's the essence of a free market.

And even if the cost of refining did go up, the cost of gasoline is volatile and affected by many factors such as global demand and supply disruptions. So there's no certainty that a bump in refining costs would necessarily translate into higher prices at the pump.

As for the second question—when any impact might be felt—the rules wouldn't take affect for months or years.

The EPA won't even propose the first-ever greenhouse-gas standards for refineries until December 2011 and doesn't plan to issue final standards until November 2012. Those standards would govern emissions for new and significantly overhauled refineries. Rules for existing refineries are expected to be unveiled in July 2011.

Based on the past history of EPA regulations, the new rules aren't likely to take effect until a few years after that, experts said.

So, if the bill were to pass, it would prevent EPA regulations that would otherwise take effect in 2013, 2014 or 2015. That's a long way away.

Another factor: the regulations targeted by the House bill are new ones. So if the House bill passes, it would essentially protect the status quo—not take any explicit action to stop price hikes.

So where does this leave us?

While Upton and Whitfield's letter is carefully worded, it frames the argument for the bill in the context of today's trend of rising gasoline prices. Yet the impact of the bill—if there is an one—would be years away. And there's no proof that the law would actually stop gas prices from rising. The added regulations now being planned may hamper U.S. refiners, but the international free market could just as easily end up keeping refining costs low. And it's hardly assured that any changes in refining costs—up or down—will influence gasoline prices, which are subject to a wide array of influenes. We find their claim False.

Mrs. BOXER. They looked at this amendment. They said the claim is false, that gasoline prices would go down. So beware of things that are called good names. But when we get behind them, we see they are not good. They are dangerous. This is a red flag coming from me to everybody watching the debate. This bill would tell the EPA they can no longer do their job—EPA, one of the most popular agencies in the Nation. Sixty-nine percent of the people say: Do your job.

It would, in essence, stop us from making more fuel-efficient cars because it would say States cannot do more, and that would mean reliance on foreign oil.

I am happy to yield to my friend from Washington for a question.

Ms. CANTWELL. Thank you, Madam President.

Ms. LANDRIEU. Madam President, can I just inquire?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. How long does the Senator think the Senator from Washington will proceed and how long will the Senator herself proceed?

Mrs. BOXER. I have the floor, and I plan to proceed as long as colleagues want to come and ask questions. I could go until about 5.

Ms. LANDRIEU. OK. Because Senator SNOWE has an amendment.

Mrs. BOXER. She was already allowed to offer it.

Ms. LANDRIEU. She would like to speak on it.

Mrs. BOXER. I will continue yielding without losing my right to the floor because there will be a question.

Ms. LANDRIEU. Do you think Senator SNOWE can go after Senator CANTWELL?

Mrs. BOXER. I do not at this point. We are taking our time. I wish to say through the Chair to my friend, this amendment is so radical, it is so far beyond any other amendment we have ever had on this subject, so I am not going to yield the floor until I have given people a chance on my side to ask questions about it. I intend to hold the floor at this point. I cannot give you a time when I will stop. I am also very willing to have a vote on this at a time we can mutually agree to. But at this point, I will not be able to yield the floor.

Ms. LANDRIEU. Let me see what we can do.

Mrs. BOXER. I yield to my friend for a question or a series of questions—as many as she might have.

Ms. CANTWELL. I thank my colleague from California, who is the chair of the committee, for working so hard on this important amendment to try to articulate and help colleagues understand what is the basis of it.

I too was surprised to learn that the McConnell-Inhofe amendment would overturn what has been the hard-won future gains in fuel economy we passed overwhelmingly on a bipartisan basis just a few years ago. I don't get it, EPA's clean car standards through 2016 will save so much gasoline that car buyers will actually save as much as $3,000 over the life of the car. That is because of the hard work we have done in the Senate on a bipartisan basis.

I know our colleagues from both sides of the aisle worked to get that last agreement that we did in 2008, and while we are doing this, we will save 1.8 billion barrels of oil. So I was surprised to hear that this legislation—the McConnell-Inhofe amendment—would overturn all that progress we have made in the last couple decades on having cleaner air and more opportunities for fuel efficiency.

When I look at this, I look at our domestic automakers in Detroit who are making much more progress based on this new generation of technology. Our domestic automakers are getting back to profitability based on a new generation of vehicles offering much better fuel economy. So they are actually—because we have said you have to have more fuel-efficient cars—they are actually now winning in the marketplace with consumers because of those offerings. I know the Department of Energy, for the first time, has said we have reduced our dependence on foreign oil because of these fuel economy improvements.

So I say to my colleague from California, it was not because of ''drill, baby, drill'' that we got fuel efficiency and got off foreign oil. It was because we had fuel efficiency in automobiles that we were able to reduce our dependence.

So I ask my friend from California why we would want to go backward on that if we have made progress and better cars out of Detroit, if they have become cheaper for consumers over the life of the car. If we have made advancements in reducing our dependence on fossil fuel, why would we want Americans to pay more at the pump and have cars that do not go as far per gallon of gas as they do today? So I do not understand what kind of scheme this is, to keep the oil companies in business? Why would we want to go back on that level of fuel efficiency and override that by this amendment?

Am I correct in understanding that?

Mrs. BOXER. I will answer and then yield for further questioning. The Senator is making the case so clearly. The one area we know we can make progress on in terms of getting off foreign oil is cars that get better fuel economy. My friend worked so diligently on the Commerce Committee, along with Senator SNOWE, Senator FEINSTEIN, and others. We all worked. But my friend took a tremendous lead on it.

In this particular amendment, which is named something that has nothing to do with reducing or preventing gas taxes or something—it has nothing to do with that. If this passes—and I hope it will not pass—but if it were to be signed into law, it essentially takes the EPA completely out of the picture, in terms of fuel economy, which means that all the progress we have made in getting more fuel economy, cleaning up the air, will be gone.

This little child, shown in this picture, gasping for air, as it is, is going to be gasping for more air. Children are particularly vulnerable.

So the Senator is right on so many fronts. If we were to pass this, we would turn around from all our progress we just made. We would stop the States from being able to do more on their own. We would lose the competition in the world for the most fuel-efficient vehicles, which is so critical—everybody looks to us—and consumers, as my friend points out, would miss out on, frankly, thousands of dollars a year in savings.

I hope I have answered my friend's question.

Ms. CANTWELL. I am amazed because my predecessor, a Republican from Washington, was fighting for fuel efficiency standards in the 1990s. So I do not know why we would be here in 2011 with a radical proposal to basically erase the ability for fuel efficiency standards.

But I have a question about public health too because I think my colleague from California has articulated something that is greater than any economic issue; that is, health and clean air and healthier children because of that. I do not understand why we would want to go back on the Clean Air Act as it relates to adverse health outcomes.

Why would you want to have more problems with asthma attacks, heart attacks, strokes, visits to the emergency room, hospitalization, premature deaths, all these things? EPA just came out with a comprehensive cost-benefit study on the Clean Air Act, and their findings were stark. They said the Clean Air Act will save our society $2 trillion through 2020. That is amazing.

So when I look at that, and we are going to say to polluters do not have to pay or adhere to the law, we are going to cause ourselves more costs in the future with health care. Yes, some polluters need to pay more, but as members of Congress we need to think of what's good for America, not just special interests. And the Clean Air Act

creates $30 for every $1 investing in reducing pollution.

I ask my colleague from California, what is it that Senators MCCONNELL and INHOFE think they know about this that is different than what the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for Social Responsibility, and Trust for America's Health—what is it they know that those organizations do not know? Because those organizations are saying we have a serious health problem, and let's make sure it is addressed through the Clean Air Act. Are they just ignoring this issue?

Mrs. BOXER. Obviously, I cannot speak for my colleagues. I cannot. But I have to look at what would happen if this were to become law. EPA, the Environmental Protection Agency, signed into law by Richard Nixon, a Republican, overwhelmingly—and, by the way, the Clean Air Act amendments were signed into law by George Herbert Walker Bush—they would say to the EPA: You are out. You no longer have the ability to do your job, which is laid out in the Clean Air Act. This particular amendment changes the Clean Air Act and says—I say to my friend—to the EPA: You no longer can look at carbon pollution. You cannot look at any pollution at all that relates to the climate change issue. In doing so, they are in a frontal assault against the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for Social Responsibility, and Trust for America's Health.

But I say to my friend, even more than that, they are going against the American people. I wished to share this poll with the Senator.

In February, 1 month ago—truly 1 month ago—there was a bipartisan poll. A Republican pollster and a Democratic pollster teamed up, and they asked the people what they thought about these very issues. Sixty-nine percent of the American people—this is not people in Washington State or California; this is all over the country—think EPA should update the Clean Air Act standards with stricter air pollution limits.

The McConnell amendment stops them, stops them from updating the Clean Air Act standards. As a matter of fact, it repeals the ability of the EPA to ever address carbon pollution, which, by the way, is a clear endangerment to the people. I ask unanimous consent to have printed in the RECORD EPA's Endangerment Finding.

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

EPA'S ENDANGERMENT FINDING

HEALTH EFFECTS

The key effects that support EPA's determination that current and future concentrations of greenhouse gases endanger public health include:

TEMPERATURE

There is evidence that the number of extremely hot days is already increasing. Severe heat waves are projected to intensify, which can increase heat-related mortality and sickness. Fewer deaths from exposure to extreme cold is a possible benefit of moderate temperature increases. Recent evidence suggests, however, that the net impact on mortality is more likely to be a danger because heat is already the leading cause of weather-related deaths in the United States.

AIR QUALITY

Climate change is expected to worsen regional ground-level ozone pollution. Exposure to ground-level ozone has been linked to respiratory health problems ranging from decreased lung function and aggravated asthma to increased emergency department visits, hospital admissions, and even premature death. The impact on particulate matter remains less certain.

CLIMATE-SENSITIVE DISEASES AND AEROALLERGENS

Potential ranges of certain diseases affected by temperature and precipitation changes, including tick-borne diseases and food and water-borne pathogens, are expected to increase.

Climate change could impact the production, distribution, dispersion and allergenicity of aeroallergens and the growth and distribution of weeds, grasses, and trees that produce them. These changes in aeroallergens and subsequent human exposures could affect the prevalence and severity of allergy symptoms.

VULNERABLE POPULATIONS AND ENVIRONMENTAL JUSTICE

Certain parts of the population may be especially vulnerable to climate impacts, including the poor, the elderly, those already in poor health, the disabled, those living alone, and/or indigenous populations dependent on one or a few resources.

Environmental justice issues are clearly raised through examples such as warmer temperatures in urban areas having a more direct impact on those without air-conditioning.

EXTREME EVENTS

Storm impacts are likely to be more severe, especially along the Gulf and Atlantic coasts. Heavy rainfall events are expected to increase, increasing the risk of flooding, greater runoff and erosion, and thus the potential for adverse water quality effects. These projected trends can increase the number of people at risk from suffering disease and injury due to floods, storms, droughts and fires.

Mrs. BOXER. I say to my good friend and colleague from Washington State, in EPA's summary of the endangerment our people would face, they talk about the worsening of ground-level ozone pollution if the EPA is not allowed to enforce the law, which is what McConnell offers us today.

They say:

Exposure to ground-level ozone has been linked to respiratory health problems ranging from decreased lung function—

We know kids, even today, with all the progress we have made—kids who are born in areas that are close to freeways, I say to my friend, close to railroads, close to ports—have a reduced lung function. At birth, they have a lesser lung function. What are we doing? How dare people come and hurt the American people. That is what this is. This is about hurting the American people, hurting America's families, stopping the Environmental Protection Agency from cleaning up the air, cleaning up pollution.

Here is this poll: 69 percent say EPA scientists—not Congress—should set pollution standards. Yet this amendment says: EPA, get out of the picture. We do not want you. We want to do this, the politicians. Well, the people do not want this. That is why I hope we will reject this terrible amendment that endangers the people.

I continue to yield for a further question.

Ms. CANTWELL. I thank my colleague because my next question deals with technology. One thing I appreciate about working with the Senator from California is that we certainly share an interest in innovation and the innovation economy and making sure we do not do things to damage it, since so much job creation has happened from the technology sectors and from our improvements.

So I was surprised to think about this amendment from the perspective of that it would kill a wide range of jobs in America, including many that can't be outsourced. If we basically say we are going to allow people to continue to pollute and not adhere to the Clean Air Act, all those technologies that are about to get us off those pollutants and diversifying our energy sources would no longer be incented. The Senator and I probably would say we need to do a lot more to incent those and stop incenting those that cause so much harmful pollution.

But the United States is the largest producer and consumer of environmental technology, goods, and services. The environmental technology industry has approximately 119,000 firms and generates $300 billion in revenues and $43.8 billion in exports.

Mrs. BOXER. Could the Senator repeat that, please?

Ms. CANTWELL. That is just the environmental technology industry. So that is 119,000 firms, $300 billion in revenue, and $43 billion in exports. So it is a very vibrant part of our economy that is based on that we want to do something about toxic pollutants. If all of a sudden you pass a bill in the Senate saying we do not want to do anything about these toxic pollutants, even though the Clean Air Act says we should, and the Supreme Court said, yes, EPA you should, then all of a sudden we are basically saying: OK. How far are we willing to go in saying we do not need to deal with toxins and pollutants?

To me, the foreign markets in developing countries that are already getting an edge on some of the clean energy technologies would worry me that they would continue to make advancements even more with these technologies.

I do not understand why people would think this radical measure would somehow help us, when the foreign technology market would continue to grow, and we would lose market share.

But foreign markets, particularly those of developing countries offer the most opportunity for U.S. companies.

The U.S. share of foreign environmental technology markets has continued to grow from 5.7 percent in 1997 to 9.8 percent in 2007, giving the U.S. environmental technology industry a positive trade surplus for the past decade.

I ask my friend from California, doesn't it make more sense to think about the future jobs we are trying to attract—because they are so much bigger—than thinking about this in the sense of 20th century jobs? That is almost what we are advocating: Let's go back to saying, if you are a pollutant, it is OK because somehow you are creating jobs.

I ask my colleague, isn't the market opportunity more in these technology jobs and environmental technology jobs?

Mrs. BOXER. Well, my friend is so right. If this is an economic argument, bring it on to us. We know the numbers. The Senator has laid them out. We know tens of thousands of firms are moving forward because we have these laws on the books. The clean air technologies and the clean water technologies and the safe drinking water technologies are wanted by the whole world.

I have to say to my friends who are pushing this—I wish to tell them something they do not seem to either understand or maybe they do not want to hear, but I am going to say it—the whole world is going green, no matter where you look. Walmart is going green. I have had my differences with them on their policies on workers.

Walmart is going green. And why? Because, as my friend said, it saves money. The whole world is going green. What does it mean? It means everyone wants to save money. Everyone is looking for better energy opportunities that are clean. And everybody wants clean energy. If we back away from that, we are saying to China: Go for it. You will get the whole market, and we will still be pumping for oil.

By the way, I have a message on that front: Oil companies have 57 million acres of land and offshore tracts they already have a permit to drill in. My friends on the other side, in another debate, keep saying: Let's drill, drill. Why don't they drill where they already have the leases and it is already approved? So that is not at debate here.

What is at debate here is why would we, as my friend asked me, turn away from policies that result in clean technologies that the entire world wants—clean technologies that support more than 100,000 businesses and tens of thousands of more jobs? Why would we do that? My answer is, to me, it would be a self-inflicted wound on our country, when this is an opportunity.

I think my friend from Washington knows John Doerr who is a venture capitalist. He has told us for years now that if we invest in clean energy, if we incentivize clean energy, the venture capitalists will come off the sidelines with more billions than they ever gave to high tech and biotech combined. So why would anyone support this amendment which would turn the clock back on fuel economy, as my friend said, on clean energy technology, and turn the clock back on our little kids who are struggling as it is with asthma?

I yield for another question.

Ms. CANTWELL. I thank my colleague from California.

I am also interested in the Senator's opinion about this as it relates to gas prices because people are—I think House Republicans, anyway, and maybe even the minority leader, feel that if we pass this amendment, somehow gas prices are going to come down. Well clearly they don't believe this radical measure will actually pass because then they would have to worry about misleading their constituents.

We all know this: It seems about every summer we have these debates about the impact of gas prices. But this measure is so radical. When I think about even if EPA continued to act on their fulfillment of the Supreme Court decision that they must act in regulating pollutants—and rules on oil refineries won't even go into effect until December of 2011 and the final rules aren't even due until July 2011. So we are talking about rules that don't go into effect until 2013, 2014, 2015.

I ask my colleague from California, how would that have an impact? We don't even know what they are going to be. We have to wait until July, hopefully, to hear from EPA about that. So, somehow, that is going to affect gas prices today?

I think what we know to be true is that getting off of oil and having more fuel-efficient cars has reduced our dependence, saved consumers money, and allowed them to have a choice in the marketplace. We ought to continue in that direction, not this direction. But does the Senator think those rules going into effect are somehow having an effect today? Aren't we talking about people who have already written about this as false rhetoric in the debate, that it is not accurate and that this will impact the price at the pump tomorrow?

Mrs. BOXER. Well, of course my friend from Washington is right on target when she points out that—first of all, the EPA is being very cautious in the way it moves on this. They are only going after the biggest, dirtiest polluters. I think most of the people I talk to out there say—my mother always said, Clean up your room. If you are belching all of this smoke into the air, you have to take some responsibility for it, especially when you are making billions and billions and billions of dollars of profit.

No one has come to me and said big oil is suffering because they were under the Clean Air Act all of these years. But it is true. There is no pressing matter before us. They are using the problems in Libya and the tragedy in Japan.

The Upton bill, as in this McConnell amendment, says—Upton: A bill that would halt the EPA from regulating greenhouse gases would help stop rising gas prices. That is what he says, that this amendment before us will help stop rising gas prices. The nonpartisan PolitiFact, which is an independent Web site, looked at this. When they came to the end of looking at Mr. UPTON's claim that this would reduce gas prices—and this is the same bill as the Upton bill—they say, We find this claim false.

I feel comfortable in this debate because I am on the side of the truth. I am on the side of the American people who are telling us: Stop, Congress. Don't tell EPA to stop enforcing the law. That is wrong. So I feel good about that. We are on the side of these children whom we are protecting. We are on the side of consumers. We are on the side of progress. We are on the side of business. We are on the side of exports. We want America to be the leader.

My friend from Washington is an innovator. My friend knows what it is to go to the capital markets and say, I have a great idea, and she knows what government can do to encourage this type of investment. Government can't do everything, but we can set the stage. One of the ways we set the stage for a great multibillion-dollar economy to take off is by having a Clean Air Act that saves our children from these terrible air-gasping days, but also creates technology that cleans up our air.

My friend is so right. The false claim that this amendment is going to lower gas prices has been debunked right now. That claim has been debunked by people who have no axe to grind.

I appreciate my friend coming here and engaging this. Does she have any further questions?

Ms. CANTWELL. I do, if the Senator from California would indulge me on this. Because I see our colleagues on the floor, and as a member of the Small Business Committee I am as frustrated as they are that this important legislation that would help small businesses in America grow is being now held hostage by this amendment.

I look at this issue, the broader issue of discussion, as some of our colleagues on the other side of the aisle have said, as a major policy issue. Well, if it is a major policy issue and it is a major policy change, why should we try to hang it in an amendment onto the small business bill? Is that making some industry happy? Is that why they are doing it? Because if this is, as they are saying, a major policy issue, then let's have a major policy discussion. I know my colleague and I support legislation that would instigate a major policy discussion here. Some of that legislation has gotten bipartisan support. I think some of our colleagues on

the other side of the aisle have been saying we should address climate. Well, if that is the case, let's have that broad debate. Is that the understanding of my colleague, that some Republicans wish to address it and are saying now that we need to address it and not leave it all to EPA? If that is the case, then let's have that debate, but let's not have a rifle shot amendment that basically guts the law as it is being implemented. Let's have a discussion about what would be a more flexible approach to implementation of the requirements to regulate pollutants.

Mrs. BOXER. The Senator from Washington poses an important question, and that is: Why are we seeing this kind of amendment on a small business bill? It is ridiculous. It makes the American people lose faith in us, frankly. This is a bill about small business innovation. This isn't a bill that is about telling EPA they can no longer do their job in protecting the American people. This is ridiculous.

We already know from reports how many lives have been saved. We have it here, and I want my friend to see this. In 2010, the Clean Air Act prevented 160,000 cases of premature deaths. That is a fact. By 2020, that number is projected to grow to 230,000. So excuse me. If this amendment were to pass and stop EPA from cleaning up the air, people will die.

If this is what you want to do, don't hang it on a small business bill. Why don't you have a press conference and say, You know what, we don't think this is worth it: 160,000 deaths; win a few, lose a few, you know. They don't care at all. But we care, and that is why we are talking about this.

I yield again to my friend.

This is what they would turn away from: preventing 160,000 premature deaths—that is documented—in 2010 alone.

Ms. CANTWELL. I have one last question for my colleague. I think these attempts that try to carve out pollutants and give them exemptions are never good policy, because there is so much at stake for the American people who believe our job is to protect them with clean air and clean water and to make sure that polluters are regulated. But it reminds me of that 2003 energy bill that was kind of done behind closed doors when the whole MTBE debate—you know, the additive to fuel—came up. I remember one newspaper ended up dubbing the bill the ''hooters and polluters and corporate looters'' bill or something like that, because it ended up trying to carve out for the manufacturers of that product that they would be exempted. It was a bipartisan effort on the Senate floor. My colleagues from the Northeast, from New Hampshire, I believe, and there may have been the Senators from Maine, all said, Wait a minute. We are not going to exempt MTBE from this legislation as a way to get an energy policy for the future.

I ask my colleague from California if she remembers that and other attempts to try to do this without the public fully understanding what is at stake for clean air and clean water, and if she remembers that failure because of doing this. It left the public vulnerable. Are there other instances of that debate she could recall for us? Because I think it is very similar.

Mrs. BOXER. There have clearly been a lot of moves on the part of special interests in this country—the biggest polluters—to try to get their way, and they try every which way to try to get their way. If they were to present the case to the Senator from Washington or to me that what they want is good for the American people, that is great. Make the case. Who could ever make the case that stopping the EPA from enforcing the Clean Air Act is good for the people? They can't. So what do they do? My friend is right to recall these other attempts. They couch it as: Oh, it is going to lower the price of gas, or it is good for business, or it is good for jobs. The truth is, it is devastating for all of those things.

My friend from Washington has been a leader on consumer protection. Oh, my goodness, we remember the fights when we had the Enrons of the world destroying people by raising the price of electricity behind closed doors, and the conspiracy to do that. Remember those battles we were in? These battles keep coming back at us. Does my colleague know—my friend is asking me questions, but I would ask her one rhetorically. This amendment is so radical, it goes after fuel economy standards, and it says, No more. EPA, you are out of that. You can't deal with it ever again, even though we know fuel economy, when we get it done right, takes those toxins out of the air, plus we get better fuel mileage, and that will get us off of foreign oil. It takes that away. Chalk one up in the Middle East for oil barons. That is good for them. It is not good for America, but yes, chalk that up for them.

We already know what happens to kids. Let's show this picture because it shows the look on this child's face. This is what happens to our kids when the air is dirty.

The fact is, if we take EPA out of the business of cleaning up carbon pollution and all the co-contaminants that go into the air with it, such as mercury and others I could list, people are going to be sick. But here is beyond the pale what they do: In addition to those things, they even stop in this amendment the Carbon Registry, so that, America, you might as well cover your eyes, cover your ears, and cover your mouth, because you will not speak evil, you will not hear evil, you will not see evil. You will not see, you will not hear, and you cannot speak about the carbon pollution in the air.

That is what is going on here. So my friend is right to connect this to a whole line of faulty reasoning that the American people have been asked to swallow.

But I have news for you. They are smart. Madam President, 69 percent think EPA should update the Clean Air Act standards with stricter air pollution limits; 68 percent believe Congress should not stop EPA from enforcing the Clean Air Act; and 69 percent believe EPA scientists, not Congress, should set pollution standards.

So this vote we will have tonight—I hope we will have it tonight—is about whether Congress should play doctor and scientist and decide what is best for the people or allow that to be done by the physicians, by the scientists, and by an agency that is extremely popular in this country.

It is not popular right here, right now, I will tell you that, because the polluters don't want anything to do with it. But we don't represent polluters, we represent everyone—everyone. And a vast majority want us to say no to this McConnell amendment.

So I yield to my friend, if she has a final comment or question.

Ms. CANTWELL. I thank the chair of the EPW Committee, a great legislator, for protecting the interests of consumers on this issue. I serve with the Senator on the Commerce Committee, and I see her fight for consumers every day. Her passengers' bill of rights for the airlines on the FAA bill is another perfect example of how she is thinking about how all legislation impacts individuals and their rights, and this is about the right to clean air and clean water and to make sure we are not going to cut EPA out of the regulation of pollutants business. I don't know why we would do that. That is their day job. They are supposed to regulate pollutants. The Supreme Court says they are supposed to regulate pollutants.

So I thank my colleague for waging this battle against this amendment that, as she has outlined, has these radical notions in it. But I guess I go back and say: We can try to keep hanging on to the past and saying the past is going to take us somewhere, but that usually doesn't work.

My colleague from California understands probably more than any other because of the efficiency gains her State, California, has made in creating jobs and in getting more out of our current energy supply. The initiative that was just run in California, I think that was about going back to the past, too, wasn't it? That was the initiative where people said: Do we want to go backward or forward? The people spoke in California, and they said let's move forward.

So I would conclude by thanking my colleague and asking her just one last time, from an economic perspective, if America can afford this amendment. How can we afford this amendment if it is going to cost us that much in health care costs; if it is going to cause the loss of the advancements we have seen in the automobile industry? I would think Detroit alone, if we pass this amendment, would stop and say: Wait a minute. Do we even have to comply with the mile-per-gallon already on the

books because it seems as if Congress is saying they are out of the business.

So I would just say to my colleague from California, how can we afford this amendment? They would like to try to claim that as the only high ground of their debate, that somehow they are protecting jobs. But they are not protecting jobs. They are basically trying to take 18th-, 19th-, and 20th-century jobs and somehow saying they do not have to comply with the Clean Air Act. So I, again, ask my colleague whether we can afford that kind of amendment and just thank her for her leadership and tremendous support.

We all come here for different reasons, and we are all motivated by different reasons, but I know the Senator from California is motivated by doing what is right for the consumer and consumer interests. So I thank her for standing up for that voice that may not be heard today on this important issue.

Mrs. BOXER. Before my friend leaves, I thank her so much, and I am going to leave the floor so my Republican friends have time to speak on this issue. America will hear a lot of different stories from a lot of different people. But, remember, this is pretty simple. This amendment stops the Environmental Protection Agency from doing its job.

I thank my friend and tell her that we can't afford this amendment. This amendment will hurt America. It will hurt it in every way. It will hurt the health of Americans, it will hurt jobs in this country, it will hurt consumers, and I am proud to stand with her.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

AMENDMENT NO. 193

Ms. SNOWE. Madam President, I would like to speak to the amendment that I called up earlier, amendment No. 193. This is a bipartisan amendment that is being cosponsored by the chair of the committee, Senator LANDRIEU, as well as Senator COBURN, who, as we all know, has been recognized as a true leader in this body for streamlining the Federal Government.

We had a discussion recently about what programs or agencies or entities could be eliminated, and we readily identified the National Veterans Business Development Corporation—simply known as the TVC—as an example of an organization that the Federal government should sever its ties with, for the reasons that I will enumerate, Madam President.

The Veterans Corporation has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act back in 1999. In fact, in December of 2008, the former Small Business Committee chairman, Senator KERRY, and I investigated the Veterans Corporation and issued a report detailing the organization's blatant mismanagement and the wasting of taxpayer dollars.

Madam President, I ask unanimous consent to have printed in the RECORD pages one through four of the report and refer interested persons to the following Web site, for the full text of the report: http://sbc.senate.gov/Committee%20Report%20on%20TVC.pdf

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

UNITED STATES SENATE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

REPORT ON THE VETERANS CORPORATION

I. COMMITTEE INVESTIGATION

On March 3, 2008, the Senate Committee on Small Business and Entrepreneurship (Committee) launched a bipartisan investigation of the National Veterans Business Development Corporation—better known as The Veterans Corporation (TVC)—at the request of Senator John Kerry, Chairman of the Committee, and Senator Olympia Snowe, the Committee's Ranking Member. TVC, a federally-chartered, nonprofit corporation, has received $17 million in taxpayer funds since 2001, but has struggled to fulfill its statutory mission of providing veterans with access to entrepreneurial technical assistance and partnering with public and private resources to help veteran entrepreneurs start or grow small businesses.

Since TVC was authorized in 1999, the Committee has raised questions about the management and spending decisions made by the organization and its leaders. Two reports issued in 2003 and 2004 by the Government Accountability Office (GAO) criticized TVC for a lack of internal controls, an inability to measure the effectiveness of its programs, and TVC's failure to become self-sufficient.[1] Over the years, staff members from several Congressional committees have rivet repeatedly with TVC to impress upon TVC's leaders the importance of becoming self-sufficient and reminding them of TVC's duty to ''. . . establish and maintain a network of information and assistance centers for use by veterans. . .'' as mandated by the organization's enabling legislation, Public Law 106–50—the Veterans Entrepreneurship and Small Business Development Act of 1999 (PL 106–50).

In response to concerns raised by the Committee and several veteran service organizations, TVC has repeatedly assured members of Congress that TVC was taking the necessary steps to correct its past failures. However, after various meetings with TVC officials and after reviewing its FY 2007 annual report, the Committee questioned TVC's direction and whether any significant changes had been made over the past few years. Consequently, the Committee launched the investigation to determine whether TVC has adequately addressed the concerns raised by the GAO in its previous reports, and by Congress and veterans groups in recent years.

During the course of the investigation, the Committee's staff reviewed various categories of documents furnished by TVC, as well as others that the Committee subpoenaed from TVC's financial institutions. Additionally, Committee staff conducted numerous interviews with TVC insiders, including each current member of TVC's board of directors (Board); TVC's acting president, John Madigan; its former director of finance; and its highest-paid independent contractor. TVC's former president, Walter Blackwell, declined Committee staff's repeated requests for an interview.

II. EXECUTIVE SUMMARY

There are 23,400,000 veterans in America today.[2] TVC was founded to provide these veterans with the resources and guidance needed to start and grow successful small businesses. The Committee staff's investigation revealed an entity that has been not only ineffective in meeting its responsibilities to our nation's veterans, but also troublingly irresponsible in its use of taxpayer dollars.

A. SUMMARY OF REPORT FINDINGS

Based upon its investigation, the Committee staff makes the following findings:

1. Failure to Achieve Statutory Mission. TVC has not accomplished its statutory mission as a result of the organization's:

a. Failure to Support Veteran Business Resource Centers. Since its founding, TVC has spent only 15 percent of the federal funding it has received on the veterans business resource centers (Centers), which TVC was required to establish and maintain under PL 106–50. In FY 2008, the percentage dropped to about 9 percent. As a result, the Centers have been faced with the possibility of closure.

b. Wasteful Programs. TVC spent its limited resources on several programs that bore little or no relation to the organization's statutory mission, including at least $13,000 on a teen essay contest and a movie promotional tour. Most Board members either had no recollection of the promotional tour or did not fully understand the extent to which TVC was involved with it.

c. Lack of Outcomes-Based Measurements. TVC has largely reported the results of its programs by measuring their activity, rather than their outcomes. This has prevented TVC from accurately determining whether its programs are accomplishing their intended purposes.

2. Mismanagement of Federal Funds by TVC's Leadership. TVC's leaders misspent hundreds of thousands of dollars in taxpayer funds on:

a. Unacceptably High Executive Compensation. TVC's executives received unacceptably high levels of compensation given the organization's limited resources and reach. While an average of 15 percent of TVC's federally appropriated funds went to the Centers, 22 percent of TVC's FY 2007 federal appropriation dollars were spent on its top two executives' compensation packages alone. TVC's Board continued to reward these executives with raises and bonuses, despite reductions in TVC's federal appropriation and a lack of citable program results under their leadership. See Appendix A.

b. Dubious Expenditures. TVC spent tens of thousands of dollars on expensive dinners for employees and Board members at high-priced D.C. restaurants, luxury hotel rooms, first class travel arrangements, and memberships to various airline club lounge programs. TVC's top two executives failed to report over $91,000 in charges on their company-issued credit cards. In addition, TVC's executives failed to follow proper expense reimbursement procedures and, in some cases, either approved their own expense reports or had them approved by a subordinate employee who was under their direct supervision. And even when their expenses were reported, the executives appeared to have demonstrated a general disregard for the value of taxpayer dollars, incurring, for example, over $40,000 in meal expenses in less than three years. See Appendix B.

c. Failed Fundraising Efforts. During fiscal years 2005 through 2007, TVC leaders spent $2.50 for every $1.00 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. During FY 2007, TVC spent over $240,000 in fundraising expenses while raising only $64,000. In the absence of a successful private fundraising program, TVC spent much of its limited resources lobbying members of Congress for annual appropriations.

B. CAUSES OF TVC'S FAILURES

Based upon its investigation, the Committee staff identified the following causes for TVC's failures:

1. Ineffective Board Governance. Through broad decision-making powers granted to TVC's executive committee under the organization's bylaws, the committee has approved a number of measures without proper approval or ratification from the full Board. For instance, last year $40,000 in employee bonuses were not properly approved by the full Board. In addition, several of TVC's Board members have lacked the level of engagement necessary to effectively discharge their duties to the organization. For example, the chairman of TVC's audit committee could not correctly identify the committee's other two members.

2. Fragmented Oversight. TVC's status as a private entity—outside the reach of typical federal agency oversight—led to fragmented and inadequate oversight mechanisms. The lack of sufficient oversight prevented lawmakers from properly monitoring TVC's operations and diminished opportunities for necessary changes to TVC's culture. Even where federal law required an oversight mechanism through the Single Audit Act, TVC either ignored, or was incorrectly advised of, its duty to comply with the statute. In doing so, TVC removed a crucial external check on the organization's internal controls, as well as an additional means to measure its efficiency and effectiveness in expending taxpayer dollars.

C. SUMMARY OF REPORT RECOMMENDATIONS

Based upon its findings, the Committee makes the following, recommendations:

1. No Further Federal Funding. Through its misguided programs, excessive executive compensation, and questionable spending decisions, TVC has squandered hundreds of thousands—if not millions—of the $17 million in taxpayer dollars it has received since 2001. Given TVC's poor track record, its lack of effective programs, and its Board members' own admission that taxpayers have not received an adequate return on their investment, TVC should receive no federal funds for the remainder of FY 2009 and for the foreseeable future.

2. Transfer of Responsibility. if, in the absence of federal funding, TVC cannot adequately support the Centers, responsibility for funding and overseeing the Centers should be transferred to the Small Business Administration's Office of Veterans Business Development, which should receive additional federal funds to carry out this new responsibility.

Ms. SNOWE. Madam President, the report was initiated by the Small Business Committee, and it found, among other things, that the Veterans Corporation failed to support Veterans Business Resource Centers; it had wasteful programs; it lacked outcome-based measurements; it provided its employees with unacceptably high executive compensation; it engaged in dubious expenditures; and it failed to properly raise the necessary funds to become self-sufficient, as they were required to do under the law.

For example, our report concluded that the Veterans Corporation had spent only 15 percent of the Federal funding that it had received on Veterans Business Resource Centers, which the TVC was required to establish and maintain under law. In fact, in fiscal year 2008, the percentage dropped to about 9 percent.

We also found that the executives at TVC received unacceptably high levels of compensation given the organization's limited resources and reach. While an average of 15 percent of the Veterans Corporation's federally appropriated funds went to the centers, 22 percent of the funds that were appropriated in 2007 were spent on its top two executives' compensation packages alone. Moreover, the organization miserably failed to raise the sufficient funds, as required by law, in order to develop self-sufficiency and independence from Federal appropriations.

During fiscal years 2005 through 2007, the Veterans Corporation leaders spent $2.50 for every $1 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. Additionally, through broad-based decision making powers granted to the Veteran Corporation's executive committee under the organization's bylaws, the committee approved a number of measures without proper approval or ratification from the full board, including $40,000 in employee bonuses in 1 year alone.

Since the issuing of the Small Business Committee's report, Congress has appropriated no additional funding for TVC, and the Small Business Administration has incorporated the Veterans Business Resource Centers previously funded into the existing network of the Veterans Business Outreach Centers. These moves were publicly supported by a variety of veterans service organizations, including the American Legion and the Veterans of Foreign Wars.

For example, in August of 2008, the American Legion passed a resolution at its national convention stating that the legion ''no longer supports the continuing initiatives or existence of the national Veterans Business Development Corporation.''

Madam President, I ask unanimous consent to have a copy of that resolution printed in the RECORD.

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

RESOLUTION NO. 223

Whereas, small business ownership and entrepreneurship are the backbone of the American economy and foundation for democracy; and

Whereas, veterans, through their service, have cultivated experiences, skills, and self-discipline that make them well suited for self-employment; and

Whereas, Congress enacted the Veterans Entrepreneurship and Small Business Development Act of 1999 (P.L. 106–50) to assist veteran and service-disabled veteran owned businesses by creating the National Veterans Business Development Corporation; and

Whereas, the National Veterans Business Development Corporation is no longer fully engaged in providing entrepreneurial education, services and advocacy to promote and foster successful veteran entrepreneurship within the veteran business community: Now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Phoenix, Arizona, August 26, 27, 28, 2008, That The American Legion no longer support the continuing initiatives or existence of the National Veterans Business Development Corporation.

Ms. SNOWE. At present, TVC still exists, and it is still federally chartered. But as I indicated earlier, it receives no Federal funds, and has no department or agency oversight.

So in light of everything I have discussed, and based on the report, it is my belief that the Federal Government must take the next step and fully sever all ties with the organization. I urge my colleagues to support this bipartisan initiative.

It is important to underscore the fact that the report the committee undertook back in 2008 illustrated serious mismanagement problems with this organization.

As indicated in the summary of the report findings, it failed to achieve its statutory commission, which was to support the Veterans Business Resource Centers; it spent its limited resources on several programs that bore little or no relation to the organization's statutory mission; and it largely reported the results of its programs by measuring its activity rather than its outcomes. So it was very difficult to actually determine what TVC's results were and whether they were consistent with the intended purposes under Federal statute. TVC mismanaged Federal funds by providing for high executive compensation, and had dubious expenditures.

The report indicates that TVC spent tens of thousands of dollars on expensive dinners for employees and board members at high-priced restaurants in Washington, luxury hotels, first-class travel arrangements, memberships to various airline club lounges, and TVC's top two executives failed to report over $91,000 in charges on their company-issued credit cards.

It is certainly an abysmal track record, regrettably, and that is why I think it is important that even though we do not provide any additional appropriations—no appropriations—we should sever any linkage of Federal ties with this entity.

So, Madam President, I would hope we could get bipartisan support, and I will ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

At this time there is not a sufficient second.

The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment, No. 186.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. LANDRIEU. I will object. I know the Senator is very interested in offering this amendment, and we are very interested in hearing about it, but we have now six amendments pending. So if the Senator would like to go ahead and speak about the amendment, explain the amendment, and when we can get an agreement about how we should proceed with these amendments, we will move forward.

Mr. CORNYN. Madam President, I am sorry the Senator from Louisiana objects to my calling up the amendment and getting it pending. I was told—and, indeed, I think everyone is operating under the impression this is going to be an open amendment process—we would have debate on important issues. This happens to be relating to the establishment of a sunset commission, such as that which was recommended by the fiscal commission appointed by the President of the United States and which enjoyed broad bipartisan support.

Ms. LANDRIEU. Will the Senator yield for a clarification?

This most certainly is an open process. What I was trying to explain to the Senator is there have been about a half dozen other Senators who have come to the floor during the day—such as Senator HUTCHISON, who came down earlier—and we are trying to be accommodating in the order the Senators come. So if the Senator doesn't mind explaining his amendment, I commit to him that Senator SNOWE and I will try to get a pending list as soon as we can.

Mr. CORNYN. Well, Madam President, I have been waiting all day, as all my colleagues, and I am on the Senate floor to offer an amendment. I am sorry the Senator thinks it is necessary to object. I am not sure what harm it causes to get another amendment pending, and I am happy to vote on any of these amendments as the majority leader determines to set the votes, or the bill managers. But I will speak just briefly on amendment No. 186, which I will call up at the appropriate time.

All of us can agree the Nation faces the greatest fiscal challenge in its history, with growing deficits and record debt. Currently, the deficit is roughly 9.8 percent of our gross domestic product, and the debt is north of $14 trillion—so high that, in fact, we will be asked sometime in the spring to consider voting on lifting the debt limit, in effect raising the debt limit on the Nation's credit card because it is maxed out.

According to the two Cochairs of the President's own fiscal commission, the Nation could be facing a debt crisis, a loss of confidence that we would actually be able to pay back our debts, and that crisis could come as soon as in the next 2 years.

That is why the amendment I am offering today, which I hope will enjoy broad bipartisan support, establishes, indeed, a bipartisan U.S. Authorization and Sunset Commission that will help improve oversight and eliminate wasteful government spending. The amendment is modeled after the sunset process that was instituted in Texas in 1977, which has over the years eliminated 50 different State agencies and saved taxpayers more than $700 million. That may not seem like big money in Washington terms, but that is a substantial savings in Texas.

This is what the President's own fiscal commission had to say about such a concept:

> Such a committee has been recommended many times and has found bipartisan support. The original and arguably the most effective committee exists at the State level in Texas. The legislature created a sunset commission in 1977 to eliminate waste and inefficiency in government agencies. Estimates from reviews conducted between 1982 and 2009 showed a 27-year savings of over $780 million, compared with expenditures of $28.6. Based on savings achieved, for every dollar spent on the sunset commission the State has received $27 in return.

This commission under my amendment would be made up of eight Members of Congress who would focus on unauthorized programs that continue to receive taxpayers' money. As the chair knows, one of the biggest problems we have when it comes to unsupervised spending is the fact that the authorizing committees do not necessarily authorize a program, but yet the appropriators for one reason or another have appropriated money, and those are never given the kind of oversight that is really necessary. This means Congress has dropped the ball—spending without authorization—when it comes to doing the hard work of figuring out if these programs are working, but the spending nevertheless continues.

As Ronald Reagan famously said, the closest thing to eternal life here on Earth is a temporary government program—there is no such thing here in Washington, DC.

The Congressional Budget Office regularly finds that billions of dollars are being spent in unauthorized programs.

In addition, the commission would focus on duplicative and redundant government programs annually identified by the Government Accountability Office. The GAO, as we all recall, recently found that billions of taxpayer dollars are being spent on duplicative and redundant government programs. For example, the Federal Government has more than 100 different programs dealing with surface transportation issues—100; 82 monitoring teacher quality; 80 for economic development; 47 for job training; and 17 different grant programs for disaster preparedness. I think common sense would tell us that kind of duplication and overlap is not efficient and it is not an effective use of taxpayer dollars.

Under my amendment, the sunset commission would review each program and submit the recommendations, which must be considered by Congress under expedited procedures like we use under the Budget Act. In other words, it could not be filibustered; it would have to be voted on. Congress would not be able to ignore the commission's reports.

The amendment provides expedited procedures that would force Congress to consider and debate the commission's work. Congress would have 2 years to consider and pass the commission's recommendations or to reauthorize the program before it would be abolished by operation of the law. In other words, the program is abolished if Congress fails to reauthorize it 2 years after the commission completes its review and analysis of the program.

This commission would help force Congress to do the necessary oversight to make sure every taxpayer dollar is wisely spent. While we all do our best to ensure that proper oversight is given to each program, we simply do not have the tools currently available to monitor and review every program. This sunset commission would provide Congress with those tools. It would improve government accountability and provide for greater openness in government decisionmaking.

We know programs that have simply outlived their usefulness or failed to spend taxpayer dollars efficiently are a burden on the American taxpayer and should be eliminated. We simply do not have the means to get there from here. Congress has a spending process in place, and we should put together a sunset process for streamlining and eliminating government waste. That is what this amendment would do.

The commission would supplement the work of the congressional committees that are already in place that I know mean well and intend to do the oversight but simply never seem to get around to it. It will not replace the work of those committees; however, it will supplement—and I would say improve and strengthen—their oversight work. It will serve as another set of eyeballs, keeping a close eye on the wallets belonging to taxpayers.

This commission will help Congress answer a simple but powerful question: Is this program still needed? Is this program still needed? A sunset commission would help us make many programs more effective by giving them the attention they deserve and exposing their faults to the light of day. It will improve government accountability and provide for greater openness and government decisionmaking. Programs that outlive their usefulness or fail to spend tax dollars efficiently are a burden on the American taxpayer and must be eliminated or reformed.

As we continue to face the mounting deficit and a struggling economy, shouldn't we be doing everything in our power to spend smarter and spend less? Imagine the tax dollars that could be saved by reviewing and revamping outdated and inefficient programs.

It is my hope that our colleagues will join me in supporting a government-wide sunset commission, and I urge all my colleagues to support this amendment so we can start setting our spending priorities straight.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know Members are following this debate carefully, and their amendments. Let me bring everybody up to date. It is about 5 after 5. We hope to have a vote around 6 o'clock, potentially two

votes. We have about five amendments pending. Senator CORNYN would like his amendment pending, Senator HUTCHISON is here to speak about I think two amendments she may want to have pending, and Senator BARRASSO is on the floor to speak on the underlying McConnell amendment.

I will ask unanimous consent in a few minutes to try to get one or two votes set up for 6 o'clock, potentially get these other amendments pending, and set a time for votes tomorrow so we can move through it. We want to have as open a debate as possible, but we also really want to focus on the bill at hand, which is the Small Business Reauthorization Act and related measures. Many of these are somewhat related to jobs and the economy, so we are trying to be liberal in our views here. But we do want to try to be as orderly and as appropriate, as Members have come down to the floor, in the order they have come.

Why don't we turn now to Senator HUTCHISON, and Senator CORNYN—we will get back to the Senator as soon as we can about getting his amendment pending, if we can do that before the night ends.

Mr. CORNYN. Mr. President, I am going to object to any unanimous consent requests until we have some understanding about when I will be allowed and others will be allowed to offer their amendments.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 183

Mrs. HUTCHISON. Mr. President, I wish to speak in favor of the McConnell amendment, which is the pending amendment, which the Senator from Louisiana is trying to get tagged for a vote. But I also wish to have the opportunity to support two of the amendments that I have offered—at least filed—and would like to have them pending as soon as the process allows.

Let me just say that I do support the McConnell amendment. Let me be pretty clear and pretty simple. In the last session of Congress, Senator LIEBERMAN and Senator KERRY offered a climate change regulation that would have caused our fuel prices to go up exponentially. Senator Bond and I did a study on the Kerry-Lieberman multi-trillion-dollar tax bill that would have happened if Congress had passed their legislation. We estimated that it would have been about $3.6 trillion in total fuel-added expense to the small businesses and the families in this country. We have documented that in this report.

I ask unanimous consent to have printed in the RECORD the executive summary of this report.

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

EXECUTIVE SUMMARY

The American Power Act proposed by Senators Kerry of Massachusetts and Lieberman of Connecticut is the latest attempt to cap American carbon emissions through new federal legislation. However, Kerry-Lieberman is unique from previous efforts by also proposing a new gas tax on the transportation sector. American families and workers will pay this new climate-related tax on the gasoline, diesel and jet fuel they use to drive and ride in their cars, trucks, tractors and planes. This report documents the cost of this proposed Kerry-Lieberman gas tax.

Past attempts at federal climate legislation have struggled with how to cut carbon emissions from the transportation sector. A cap-and-trade approach used on industrial facilities is not ideal for transportation emissions, essentially becoming a complicated indirect tax on fuels. Kerry-Lieberman takes the direct approach of assessing a fee on transportation fuels linked to their carbon content.

Kerry-Lieberman's climate-related gas tax will drive up the prices of gasoline, diesel and jet fuel. The Kerry-Lieberman gas tax hits families at every income level, farmers in every field, truckers on every road and workers in every position. Determining the size and cost of the Kerry-Lieberman gas tax is essential to knowing how heavily this proposal will hurt Americans.

The information and methodology needed to calculate the Kerry-Lieberman gas tax is all publicly available. The U.S. Energy Information Administration annually predicts future U.S. fuel consumption. The U.S. Environmental Protection Agency (EPA) has already adopted methods for calculating the amount of CO2 emitted from each gallon of transportation fuel. Finally, Kerry-Lieberman includes both a floor and ceiling for carbon prices that will form the cost range for the program. Additionally, EPA has just released its estimates of future carbon prices that would form the basis of the gas tax under Kerry-Lieberman. Utilizing this information reveals a truly massive gas tax that Kerry-Lieberman would impose on the American people.

Kerry-Lieberman will impose a new gas tax of at least $2.3 trillion and up to $7.6 trillion. Under EPA estimates, the Kerry-Lieberman gas tax would total $3.4 trillion:

$1.29 trillion to $4.18 trillion gasoline tax on American drivers, workers and businesses ($1.87 trillion under EPA estimates)

$744 billion to $2.46 trillion diesel fuel tax on American truckers, farmers, workers and businesses ($1.08 trillion under EPA estimates)

$294 billion to $963 billion jet fuel tax on American air passengers ($425 billion under EPA estimates)

These figures include provisions in the legislation intended to reduce the impact of this massive new gas tax. While present, the allowances provided to refiners mitigates only 2% of the gas tax, leaving consumers with a new $2.3 trillion to $7.6 trillion gas tax bill.

Another component of Kerry-Lieberman is its refund program. Building on legislation from Senators Cantwell and Collins, Kerry-Lieberman refunds a portion of its tax and fee revenues back to consumers. Kerry-Lieberman, like the House-passed Waxman-Markey cap-and-trade bill, also attempts to shield energy consumers from its massive cost increases with price relief subsidies. Over the life of the bill, these refund and relief programs amount to approximately 69 percent of the revenues it collects. However, Kerry-Lieberman proposes the government keep the remaining 31 percent of its new tax and fee revenues and spend it on new government programs and deficit reduction. Applying this 69/31 refund/spending ratio to the new gas tax means that U.S. consumers would still face a net tax burden of between $734 billion and $2.4 trillion under Kerry-Lieberman (31 percent of $2.3 trillion and $7.6 trillion).

Mrs. HUTCHISON. Mr. President, the reason we did not pass this legislation is everyone realized it would have raised the cost of gasoline. Now the EPA is trying to do the same thing by fiat. By executive fiat, they are trying to regulate greenhouse gases. What they are going to do is raise the cost of fuel at a time when people are suffering at the pump. I mentioned earlier that I filled up my pickup truck last weekend. It was almost $50. I know every American is having the same experience. If they have an SUV, it is even more.

We cannot allow the EPA, through greenhouse gas regulations, to increase the cost of fuel when they put that regulation on a refinery. We have very few refineries. We have not built a new refinery in this country since 1973 because it is so regulated, so that we really have a shortage of refineries. It is one of the problems with the supply issue in providing gasoline at reasonable prices.

We need to be stepping back, not stepping forward with more regulations. The EPA is doing something Congress would not do. Oddly, the EPA is not authorized to make regulations that Congress does not pass. They are to implement the law, not make it. But that is what they are doing, and we are trying to stop it with the McConnell amendment that would repeal the EPA greenhouse gas regulations. I hope my colleagues will support it.

In addition, as a former small businessperson myself, I know it is very hard for small businesses to make ends meet. I have heard from so many of the people in Texas who are now trying to make ends meet and keep people employed in small businesses. This health care reform bill is causing them to not hire people because they do not know what the costs are going to be.

Basically, you are going to be taxed if you are an individual or a small business that does not adopt the government-prescribed health care insurance for your employees or your family. That is the bottom line. If you do not do exactly what the government says and meet their government-required standards, even if the employees are happy with their health care coverage or certainly do not want to be left to the government health care, you will still get the fine.

Most small businesses I talked to were saying: I am going to pay the fine. It is easier. I don't have liability. I don't have to hire people to work with my employees to get the best prices. That takes a lot of my time and it is not helpful to the bottom line of my company, and therefore I am just going to pay the fine and let the government do it.

Health care is not going to improve for the small businesses and for the families in this country.

My amendment, No. 197, that has been filed, which I hope to have pending, is called the SOS Act—Save Our States—meaning that while the Florida case that has said the health care

reform law is unconstitutional is still unsettled, States and small businesses should not be spending the money to implement a law that may be thrown out anyway by the courts. Let's not cause the financially strapped States and small businesses in this country to have to spend the money to implement the health care reform bill until we know it really is the law of the land. Right now, that is a question because two courts have thrown it out as unconstitutional, one in Virginia and one in Florida.

So my amendment, No. 197, will say that we will delay implementation. We will not require any costs to be incurred by a business, an individual, or a State until it is clear it has gone to the Supreme Court and the health care reform act really is the law of the land.

How much could that save? Millions for our States and millions for the businesses across our country. I hope we can get this amendment pending.

The second amendment is No. 198. It is called the Lease Act. It is simple. Today, we have a virtual moratorium. My colleague from Louisiana has designated what we have as a permitorium, because there is almost no activity—new activity—in the Gulf of Mexico in deepwater drilling activity.

We know that gasoline at the pump is going up because there is a shortage of supply. If we would get these leases out there, all of the exploration that is being done, and allow the people who have paid the bonuses for the leases to fully use their leases, then we would give them 1 more year to be able to determine if it is worth it to drill a well in the Gulf of Mexico and start pumping oil and increase our supplies through our own natural resources that God has given to our country.

Our amendment No. 198, which is the Hutchison-Landrieu bill, would extend for 1 year, which is the time these people have paid for a lease but not been able to use it, because there is a moratorium on the deepwater drilling, and the Department of Interior has now only given a maximum of up to three, possibly only two permits for the people who had been able to explore before the BP spill.

I hope to get both of those amendments up. I can think of nothing that would help small business more than to know they will not have to implement the health care reform act, they can go ahead and hire people, free them to build up their employment base, which is what we all want to do, build our economy and, secondly, to hopefully get a better price on fuel for them so they will not have to suffer with these high gasoline prices.

Most small businesses, in a poll, said their top three expenditures include the cost of fuel, electricity, and natural gas. So we need to give our small businesses help. I hope we can get our amendment Nos. 197 and 198 pending at the appropriate time.

At this point, I hope my colleagues will support Senator MCCONNELL's amendment to stop the EPA from adding costs to the refineries and the gasoline producers of our country.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Texas. I appreciate the patience of my colleagues who are on the floor. Because we have had two or three colleagues from this side of the aisle speak, I thought it would be appropriate to go to the Senator from Oregon, then recognizing Senator BARRASSO to speak on his amendment and Senator PAUL to then speak on his amendment.

If no one objects—I do not see anyone on the floor—if we can go in that order, I think everyone can be accommodated before the vote at 6 o'clock.

Is that okay with everyone?

Thank you.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 183

Mr. MERKLEY. I rise to address the McConnell-Inhofe amendment to repeal EPA's authority to regulate greenhouse gases. My colleague from Texas was addressing this amendment and noting her support for it. But I wish to bring to my colleagues' attention several reasons this amendment is bad policy for America.

First and foremost, this amendment increases our addiction to foreign oil. It increases oil consumption by 455 million barrels. Right now we import about 9.7 million barrels of oil per day. This amendment is equivalent to 6 weeks worth of oil imports. Recognize that gas prices are about $3.50 per gallon, so the McConnell-Inhofe amendment amounts to a $68 billion pricetag for working families to buy gas from oil imported from overseas.

This is not a tax that in any way supports our economy. In fact, this is a tax that goes out of our economy to purchase energy from overseas—from the Middle East, from Nigeria, from Venezuela. That is very profitable to the companies that supply that oil. It is very profitable to the governments far outside of the United States of America. But it certainly hurts the citizens of our Nation. It takes our energy dollars and puts them elsewhere, rather than keeping them inside our economy. It decreases our national security rather than increasing our national security.

Furthermore, gasoline prices are set by the law of supply and demand. This amendment increases our demand for foreign oil. So if anything, this amendment increases gas prices.

My colleague from Texas said we cannot afford to ''raise the cost of fuel.'' I absolutely agree, and that is why we should defeat this amendment. Indeed, I think almost everyone understands that when you increase demand for a product, you drive the price up, not down. But there are some third parties that have weighed in on this conversation.

PolitiFact.com did an analysis of the claim that this amendment would keep prices from increasing, and it did not find this claim to be true. It found it to be false. So at this moment, when world events are unfolding in Cairo in Egypt, in Libya, and we recognize that our dependence on foreign oil is a huge strategic vulnerability for the United States of America, that the flow of our energy dollars overseas is a huge mistake for our economy, why—why—would we vote for an amendment designed to increase our dependence, our dependence on oil, our dependence on foreign governments, decrease our security, and damage our economy? It is simply a wrong amendment in all that framework about our dependence on foreign oil.

Second, this amendment is an attack on public health. It is an unprecedented attack, asking Congress to step in and veto the scientific judgment of the EPA scientists. It tells the agency charged with protecting our public health and the health of our children to ignore dangerous global warming, gas pollution, carbon pollution, and a long list of other global warming gases.

The Clean Air Act in 1990 alone prevented 205,000 premature deaths, 674,000 cases of chronic bronchitis, 22,000 cases of heart disease, 850,000 asthma attacks, and 18 million cases of child respiratory illness.

In 2010, the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, 86,000 emergency room visits. It has been studied time and time again. What we know is the application of the effort to clean up our air results in all of us having a better quality of life.

This amendment, this attack on public health, is the wrong policy for our Nation. Again, it is something that third parties have weighed in on, those who seek to protect our health and our health care system. The American Lung Association calls this amendment ''a reckless and irresponsible attempt to put special interests ahead of public health.'' The American Public Health Association has weighed in similarly.

Finally, this amendment is an attack on science. The Clean Air Act, passed by a large bipartisan majority and signed by President George H. W. Bush, tasked the EPA with updating our clean air standards and setting commonsense limits on pollution based on recent science.

This amendment would have Congress step in and overrule the EPA on science, not just by gutting basic protections for clean air and clean water but by repealing EPA's program for having polluters simply report their pollution.

In other words, this amendment says to the American public, we are not even going to let you know about the dangerous pollutants being put in the air. Certainly that philosophy, not only of attacking our public health, but of attacking our right to know, is absolutely wrong.

Colleagues, let me wrap up. This amendment increases our dependence

on foreign oil, it increases air pollution that endangers our health, it overrules the Nation's top scientific experts who are warning us to reduce pollution, not increase it, it asks American families to pay $68 billion to the oil industry and foreign governments, instead of keeping that money here at home. It is a mistake. Let's vote it down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I ask unanimous consent to set aside the pending amendment and call up my amendment No. 199.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I object to making it pending but not for discussion.

The PRESIDING OFFICER. Objection is heard.

Mr. PAUL. This amendment, No. 199, would save taxpayers $200 billion. Recently you have seen some discussion, but I think the American taxpayers are actually baffled that there is not more discussion up here.

We have proposals of a deficit from the other side of $1.65 trillion and yet we are not down here discussing this. We have not passed a budget. We have not passed any appropriations bills this year. The American people wonder what we are doing. You wonder why the American people say Congress has about a 13-percent approval rate? Why are we not today talking about a budget? Why are we not talking about appropriations bills? Why do they not come out of committee?

Then when we get to the proposals, look at the proposals. In the red we have the deficit, $1.5 trillion, maybe $1.6 trillion. Here we have the proposals. The other side, you cannot even see without a magnifying glass, $6 billion. We borrow $4 billion in 1 day. We spend $10 billion in 1 day. And the best they can do is $6 billion for a whole year.

Our proposal is a little bit better but still does not touch the problem, $61 billion in cuts. It sounds like a lot of money. You know what, we increased spending by $700 billion, and now we are going to nibble away at $61 billion. But put it in perspective. Saving $61 billion on $1.5 trillion means that either proposal, Republican or Democrat, is going to add trillions of dollars to the deficit.

I am proposing something a little more bold. I am proposing $200 billion in cuts. I think it is the very least we can do. Two hundred billion dollars in cuts can be gotten rather easily. The Government Accountability Office said there is $100 billion in waste, duplicate programs. Why do we not cut that? What are we doing?

If you look at the chart of what is going on here, and you say, what has happened to spending, the yellow line, around 2008 when we got the current administration, is going up exponentially. That is the spending that is going up. The spending is driving the deficit.

You look at the two lines over here. You cannot even see the difference. This is the Republican proposal to cut $61 billion in proposed increases. Spending is still going up. The deficit is going up. We need to do more. The danger is if we do nothing that we may well face a debt crisis in our country. We need to do more. My amendment will cut $200 billion in spending.

When I go home and I talk to the grassroots voters, they say, that is not even enough, we need more. But at the very least, let's have a significant cut in spending and do something to get the deficit under control before it is too late.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Please let me correct myself. Earlier today I said that Senator COONS is from Connecticut. Clearly he is from Delaware. And Senator JOHANNS is not on the floor, but Senator BARRASSO is. It has been a long day and I apologize to my colleagues. But the Senator from Wyoming is going to speak for a few minutes, and then the Senator from Vermont, Mr. SANDERS.

I am still hoping we can have a vote on one or two amendments at 6 o'clock.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise to speak about the McConnell amendment, in favor of the McConnell amendment. Gas prices have increased 43 cents in the last month, and 77 cents a gallon over the last year. These skyrocketing prices are hurting American families, and are threatening to derail the economic recovery.

You say, how much is this impact on the American family? Well, the Department of Energy says the average American family will spend about $700 more on gas this year than they did last year. That is going to impact every family, every family trying to deal with bills and kids and a mortgage. It is not as if this problem happened overnight. For over 2 years, Americans have heard the President deliver speeches and make promises on energy.

But the President says one thing and then he does another. That ''say one thing, do another'' policy does nothing to ease the pain at the pump. The administration's policies are making the problems today worse. The President's reckless policies have virtually shut down offshore exploration for oil. Last week, former President Bill Clinton called the delays in offshore oil and gas drilling permits ridiculous. Offshore oil production in the Gulf of Mexico is expected to drop 15 percent this calendar year. What that means is higher gas prices and fewer American jobs. The administration actually told Congress we can replace the loss of American oil from the Gulf of Mexico with more oil from OPEC. That is exactly what this administration told Congress in October. In justifying more restrictive offshore drilling rules, the administration admitted this would lead to lower production of American oil.

The administration wrote:

> The impact on domestic deepwater hydrocarbon production as a result of these regulations is expected to be negative.

Then the administration went on to say:

> Currently there is sufficient spare capacity in OPEC to offset a decrease in Gulf of Mexico deepwater production that could occur as a result of this rule.

That is this administration's mindset: Don't worry about domestic production. OPEC has us covered.

The administration's shutdown of American exploration is not the only problem. The administration is also aggressively implementing Environmental Protection Agency regulations that will drive up the cost of energy. The EPA's climate change regulations under the Clean Air Act will cause gas prices for every American to go up even more. That is why I am here today. The McConnell amendment will fix this problem. Senator INHOFE originally introduced the legislation in the Senate. It was introduced in conjunction with a bill in the House by Representative FRED UPTON. This legislation will stop the Environmental Protection Agency's regulatory overreach that is going to increase gas prices.

When Congress refused to pass the President's cap-and-trade scheme last year, the administration turned to plan B—the use of the Clean Air Act to regulate climate change. The theory behind it is that additional restrictions on carbon-based energy and higher costs for gasoline are needed to make green energy more competitive. The key word is ''competitive,'' not actually making green energy more affordable, just more competitive, not by driving down the cost of green energy but by driving up the cost of red, white, and blue American energy.

Energy Secretary Steven Chu has even said publicly: ''We have to figure out how to boost the price of gasoline to the levels in Europe.''

The price in Europe is $8 a gallon. Under this cover of creating green jobs, EPA regulations are increasing the cost of red, white, and blue energy. This administration is trying to achieve its goals, the same goals as cap and tax, by placing a massive energy tax on gasoline and gasoline production.

One of the ways the EPA will use the Clean Air Act is to regulate greenhouse gas emissions from America's oil refineries. We have not had a new oil refinery built in this country since 1976. The EPA's climate regulations will make it even more difficult and more costly to build and operate refineries. The result, of course, is higher gas prices at the pump and a greater reliance on imported gasoline. The Environmental Protection Agency's climate regulations must be stopped. They are arbitrary; they are costly; they are destructive; and they are politically driven.

The EPA's climate rules are just one tool to make gasoline prices go up. But

this administration is proposing dozens more. I have introduced legislation similar to the McConnell amendment and the Inhofe bill. But my bill is more comprehensive. My bill, S. 228, is called the Defending America's Affordable Energy and Jobs Act. It will block the same manipulation of laws to increase the future cost of gasoline for all Americans. My legislation, which has the support of 20 Senators, would block the manipulation and misuse of the Clean Air Act, the Clean Water Act, the Endangered Species Act, the National Environmental Policy Act, and the use of citizen lawsuits.

I am trying to stop this administration from placing a massive energy tax on gasoline and other forms of affordable energy. The Environmental Species Act is currently being used to remove 187,000 square miles of land from energy exploration. A decision of this magnitude will drastically limit oil and gas development and exploration. They do this all in the name of climate change.

When the administration blocks production of American oil used to make gasoline, American families pay higher prices at the pump. They pay higher prices today, and the prices will remain high in the future. I plan to continue to fight the many ways this administration is trying to enact cap-and-tax policies and raise gas prices. The President says he wants renewable energy to be the cheapest form of energy. He needs to level with the American people. He needs to admit his scheme is to raise the cost of all other forms of energy and make the American people pay the bill.

We should be exploring for more American energy offshore, on Federal lands, and in Alaska. I urge my colleagues to support the McConnell amendment so we can block the administration's costly regulations and protect the pocketbooks of American families. The President's policies are making the pain at the pump even worse. It is time to stop these policies today with the McConnell amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I think we all know elections have consequences. I doubt seriously, however, that when most voters went to the polls last November, they were voting for more of their kids to get aggravated asthma or more people to go to the hospital with respiratory problems or more people to get sick in general. I do not think the people went to the polls this past November to vote to put big oil and big polluters in charge. I didn't see those TV ads.

But make no mistake. People may not have voted for a polluter poison agenda, but that is exactly what they are getting from Republicans in the House and their colleagues in the Senate. Their agenda is to deregulate polluters, even if it harms our national security. They want to gut the bipartisan Clean Air Act, even if doing so harms public health. Republicans claim the Inhofe amendment would lower gas prices. That claim was found to be false by politifact.com. Meanwhile, the Clean Air Act is actually raising fuel economy standards and is projected to save drivers $2,800 on gas for new vehicles.

The reason for that is pretty obvious. We are making an effort to see that cars manufactured and sold in this country get decent mileage per gallon. We wonder why all over the world people are driving cars that get 40, 50, 60 miles per gallon, and we are stuck with cars that get 15 or 20. We can, we must, and we are doing better in that area. We have to continue to go forward.

The Clean Air Act standards are projected to save 2.3 billion barrels of oil. When we get cars that are energy efficient—hybrids, electric cars—we are not consuming oil from Saudi Arabia. We all talk in the Senate about the need to move this country toward energy independence. But the Clean Air Act is actually helping to deliver it. That is good news for our national security but not for polluters. The Inhofe amendment would keep us dependent on foreign oil, something we certainly do not want to be the case.

My Republican friends claim the Clean Air Act regulations are destroying the economy. That claim is also false. This chart shows that even as we have reduced pollution in the air by 63 percent since 1970, our economy grew by 210 percent and added nearly 60 million jobs. In fact, the Clean Air Act and other environmental laws have helped create hundreds of thousands of jobs in environmental technologies and pollution control industries. If we invest properly in energy efficiency and in such sustainable energies as wind, solar, geothermal, biomass, over a period of years we will, in fact, not only clean up our environment, not only move toward energy independence but create millions of good-paying jobs.

For every $1 invested in clean air, we see up to $40 in return in economic and health benefits to America. We should all understand, however, that while big polluters may not like the Clean Air Act, it benefits every American. Why is it that after we have made significant progress in beginning to clean up our air, there are people who want to bring us back to the days when polluters could fill the air with all kinds of soot and other harmful products which cause disease all over America?

Thanks to the Clean Air Act, we are actually saving 160,000 lives each year. People are not dying from premature deaths, as they would have if the air they were breathing was dirty. We are literally avoiding sending tens of thousands of people to the hospital and emergency rooms every year, avoiding thousands of cases of heart attacks, skin cancer, aggravated asthma, and lung damage thanks to the Clean Air Act.

Senator MERKLEY made the point a few moments ago about the view of the American Lung Association on this issue. They have strong concerns as to what will happen to respiratory illnesses if we weaken the Clean Air Act. We are currently reducing toxic pollution such as mercury that the CDC has said causes major developmental problems for children. Our Nation's leading public health experts, including the American Academy of Pediatrics, the American College of Preventative Medicine, the American Public Health Association, the Asthma and Allergy Foundation of America, the American Heart Association, and the American Lung Association, recently said the Clean Air Act's continued implementation is ''quite literally a matter of life and death for tens of thousands of people and will mean the difference between chronic debilitating illness or a healthy life for hundreds of thousands more.''

That is what is at stake. I will vote against the Inhofe amendment and urge my colleagues to vigorously oppose this attack on our public health. While this amendment may benefit wealthy oil companies, it is an attack on the health of all Americans who want to breathe healthy air and drink clean water.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I see two Members on the floor. I ask unanimous consent for Senator JOHANNS to go next and Senator ROCKEFELLER, who wanted to speak, and then we will try to get some sort of consent for one or two votes tonight. We are still hoping to do that around 6. We will try to keep Members posted.

AMENDMENT NO. 161

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I rise in support of the pending Johanns-Manchin amendment 161, which I believe would send a positive, strong message to job creators that Congress is listening, that we have heard them. The bill we are debating today to help small businesses utilize Federal funding for research and development is certainly important. But I have to tell my colleagues, I believe what our small businesses are focused on, what they are worried about is the avalanche of new regulations headed their way. They are worried about the mountain of paperwork that is about to overwhelm them due to the 1099 reporting requirements contained in section 9006 of the health care law. Instead of focusing on hiring new workers and growing their businesses, they are meeting with accountants. They are wondering why those in Washington choose to weigh them down further after the last 2 years.

So the amendment I offer today seeks to solve that problem by repealing the 1099 reporting mandate that is weighing down upon them. As we all know, I am referring to the tax paperwork nightmare that, as I said, is buried in section 9006 of the health care

law. It is straightforward. It says if a business purchases more than $600 of goods or services from another business, then they are required to generate and provide to that business and to the Internal Revenue Service a 1099 form.

This new mandate will affect 40 million businesses in this Nation. That is not even mentioning the nonprofits, the churches, our local and State governments that are also impacted. Furthermore, it will stand in the way of job creators by forcing businesses to waste capital and human resources on useless paperwork.

Considering the high unemployment rates plaguing many States, it does not make sense that we would keep this job-suppressing paperwork mandate. Yet repealing the nonsensical mandate has been a long and somewhat tortured path. I first circulated a ''Dear Colleague'' letter asking for cosponsors on the 1099 repeal back in June of last year. When we introduced it in July, we had 25 cosponsors, and small business watched us with great anticipation. It gave them hope that common sense was going to prevail in the Senate and that partisanship could be set aside to simply do the right thing.

Unfortunately, that hope did evaporate. They have been frustrated, time and time again, when it failed to advance in September and in November and appeared stalled as we came into the new year. But, finally, they saw a ray of hope on March 3 when the House passed 1099 repeal. It was a very large bipartisan effort, 314 to 112.

Small businesses cheered last week when Majority Leader REID endorsed the House-passed version and indicated H.R. 4 would likely be passed and go on directly to the President by the end of the week. Yet, when Thursday rolled around, a vote on 1099 repeal was shelved and replaced with a vote on a judicial nominee. Once again, our job creators were left scratching their heads, disappointed by the continued political gamesmanship on this very important issue.

Moving the goalposts yet again, we now hear that some are objecting to the House bill's offset to completely pay for the repeal of the 1099 mandate. This now supposedly controversial provision simply reduces improper overpayments of insurance subsidies.

As the Secretary of Health and Human Services said, the repayment of improper subsidies makes it ''fairer for recipients and all taxpayers.'' Yet some have now decided this House offset is somehow a middle-class tax increase. That argument, to me, is stunning.

Since when is requiring someone to repay what was given to them erroneously ever regarded as a tax increase? Where I come from that is simply smart government for the taxpayer. Furthermore, I find it a bit too convenient that not one Senator complained about using this very offset to pay for the Medicare doc fix last December. Remember, the Senate passed the doc fix, and they did it unanimously. Only two people opposed it in the House. The President signed it eagerly.

Yet, today, some have decided it is somehow a tax increase. It does not pass the smell test. Our small businesses—well, they are not buying it either. They will see it as one more hollow excuse why we cannot provide businesses and their workers relief from the nonsensical paperwork mandate.

These job creators have watched dueling amendments and proposals and counterproposals for too long, and they have grown impatient. Our small businesses do deserve better, but, unfortunately, at the moment, we are getting more of the same.

More legislative squabbling only delays the certainty that our business community wants us to provide to them. They are looking for us to help them through this paperwork mess.

Well, what is happening out there—because this is now starting to stare them in the face—is they are already starting to think about software because they have to track this, and there is a cost to that. They are talking to their accountants, and that costs money. They are diverting very precious capital in anticipation of the new mandate, not to mention the fact that rental property owners are currently subject to the new mandate. Unfortunately, our rental property owners are having to comply with it and track each payment for repairs and for upkeep.

We need to give these folks a break so they can focus on growing and creating jobs, not worrying about how to pay for additional accountants. Passing H.R. 4 would show them we are listening to their concerns and we are committed to removing unnecessary barriers to their success. Instead, we are requiring our job creators to wait out on the sidelines while this continues to go on and on and on. They deserve better.

So I join our Nation's job creators, once again, asking the Senate to act on this very important issue and repeal the 1099 requirement. Rest assured, they will not go away, and we do not want them to. We want them to do everything they can to create jobs.

I will offer this legislation as an amendment to every legislative vehicle moving in the Senate until it becomes law. I am hopeful not many more of these amendments will be needed because there is a simple solution: Repeal it. I believe there is strong bipartisan support for it. We can then send it to the President. He can sign it, as he said he would, and we can celebrate this in a very bipartisan way.

A vote on this amendment is significant, not only because it truly is the right thing to do but because it will show that H.R. 4 has more than 60 votes needed to pass the Senate. All we need to do is try on this and get it done.

Once again, I point out, this is a bipartisan effort. This is an effort where Republicans and Democrats and Independents can claim victory and say we got this done. It was the right thing to do. It never should have been in the health care bill in the first place.

My hope is my colleagues will stick with me. We can get it done. We can get it passed and get it signed by the President. You will hear a cheer all over this country by our job creators when it is finally repealed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I have comments I wish to make on 1099 which are at odds with the distinguished Senator from Nebraska, but I will hold that for another moment.

AMENDMENT NO. 183

I think it is well known that in West Virginia we have had our problems with EPA, and I have an amendment which would say for a period of 2 years they would not have the power to enforce their laws on stationary sources, i.e., powerplants. But it lasts for 2 years and then it stops.

What is my reason for doing that? I will offer this amendment. My reason for doing that is, I wish to give us the time to come up with a good carbon sequestration bill and also give us the time to come up with an energy policy, since, if my amendment were to pass—since it is 2 years from the date of passage—that does give us the time, if it is the will of the Congress, to have an energy policy. If it is not, then that, of course, is quite a different matter.

But I simply cannot support and will not support the McConnell amendment, which calls for a complete emasculation of EPA forever. I do not understand this type of thinking. I understand we are in a very sort of difficult position in a postelection period, where people have very strong ideas: Let's get rid of government, and let's size everything down and get rid of all these people who have been giving us trouble.

I think we have to be mature in the way we approach these problems. I do not think by saying EPA, created by President Nixon in 1972, shall virtually cease to exist with respect to any effect on greenhouse gases at all, forever—the concept of doing something forever is, to me, a very risky thing on its face. It does not usually make any sense, whether it is health care or energy policy or any other kind of policy, to make a law which has to do with regulation and then say: You cannot regulate forever.

What if you did that to the National Highway Traffic Safety Commission? We have discovered that for children the little models they use for crash tests are not, in fact, big enough. They were created a number of years ago, and kids are much bigger now. So we have to change, and the Commerce Committee is working on this. We have to change the size of the little dummies they put in these seats to crash test them to see what happens to them because kids are larger. So if you made

a rule that this was to last forever, under original circumstance, obviously, that would hurt our children and create discomfort and sadness.

The Environmental Protection Agency is not a frivolous agency. It is created, yes, to regulate pollution. I have been saying to the West Virginia Coal Association, which for the most part does not believe in climate science—they do not believe there is a climate problem, and I have been saying to them for a number of years that is wrong. In my judgment, the science is true, the science is unequivocally true, and there is a price to carbon in their future. I said this a couple months ago. There is a price to carbon in their future. You cannot simply carry on business the way you are doing it now and avoiding any sense of responsibility and be called a mature corporation or a mature person in this country or a mature public servant.

I understand the fervor of the Senator from Oklahoma, the Senator from Kentucky, and others who put up this amendment for a permanent ban on any regulation of carbon dioxide or any other of these areas. But in the process, of course, what they say they are for is that the EPA can no longer regulate CAFE standards; that is, how many miles per gallon your car gets. If you look at the private sector, there is a drive and a competition now to increase and raise the level of corporate average fuel economy standards, lowering emissions. That is as it should be. That is a natural product of free enterprise competition.

But to say that the EPA—what if there were to be a backslide? What if the Big Three and a number of others decided: Well, this isn't worth our while. There is nobody regulating us, so we don't have to do anything about it, and they slipped backward and then created a much more emission-charged climate?

I cannot abide by that. I cannot believe that is sensible government. I cannot believe that in the theological drive to make government small, to make government disappear, to make health care disappear, to make all kinds of things disappear—so we can all be happy again, as we were in the 1910s and 1950s, I guess—life does not work like that and legislation should not work like that.

We should approach it thoughtfully, with a long view as well as a short view. The short view says: Oh, I have to be mad at EPA—and I am because they have done things in West Virginia which I think are wrong and should be changed—but I would never, for a moment, consider saying they should forever be banned from having anything to do with climate change policies or CAFE standards. It does not make any sense.

It is embarrassing. It is embarrassing. That is not a favor to the people of West Virginia. What that means is the companies—coal companies, power companies—that are looking at all of this, they will just start walking away from coal very quickly. This would also be true in Pennsylvania, the home of the Presiding Officer. Natural gas is beginning to take over large parts of our electric power industry. That has happened in North Carolina and in Ohio and probably a little bit in Pennsylvania and, yes, a little bit in West Virginia. The Marcellus Shale is an unbounded, endless pool of natural gas, and it lies up and down the Appalachian spine. Companies are beginning to switch away from coal to natural gas.

Now, if one doesn't care about coal miners and one doesn't care about coal companies—but, particularly, coal miners. They are not responsible for any of this. They just dig the coal God put in the Earth 1 billion years ago. They dig it, and then it is shipped by truck or by rail or in some fashion, perhaps by barge, off to a power company. The power companies are the ones that have to make the decision how are they going to burn it. Are they going to burn it cleaner?

Two companies in West Virginia, one being American Electric Power, has conducted an experiment in New Haven, which is the large powerplant in the state. They have picked out 18 percent of all their emissions, and they have applied carbon-capturing sequestration to that 18 percent. That 18 percent of the flue gas emissions have gone from whatever carbon content down to about 10 percent carbon content. That is called clean coal.

When we talk about coal on this floor, everybody assumes coal is always dirty. Well, coal is dirty when it is taken out of the ground and nothing happens to it. But with all of the science and technology we have available, carbon-capturing sequestration is not only working to make that clean coal, therefore, highly competitive—much more competitive than natural gas, which is 50 percent carbon dioxide—it makes it only 10 percent when we use these technologies. That is what my amendment—the 2-year amendment, and then only 2 years, that is what is meant to give us the time. Sensibly, that is what we ought to be doing if people cared about having an energy policy.

Then there is another facility, operated by Dow Chemical. Dow Chemical is not usually associated with these things. But they are running exactly the same kind of a burning of coal focus and demonstration using a slightly different technology, but also getting about 90 percent of the carbon out of the coal, and they use the power from that. They use that. So don't tell me it can't be done. Just tell me we don't have the technology to do it broadly enough. But if we are talking about a nation with a couple hundred years' of coal left, don't—I don't want to hear about dirty coal because that is not going to get anywhere. But clean coal, that can do a lot better than natural gas and do a lot better than a lot of other alternative energies.

What is going on in Japan right now, I shy away from the idea of saying: Oh, well, then we have to stop from ever building any nuclear powerplant forever. I am not a big fan of nuclear power, but I don't think we make decisions because of that. We don't make them out of emotion. We don't make them because of a catastrophe in another country. Maybe there is and maybe there isn't; I haven't checked the news in 4 or 5 hours. But that is 20 percent of all of the power in this country. So before we make the decision, let's be thoughtful about it.

I think we ought to be thoughtful about this amendment, the McConnell amendment, which says that forever and ever the EPA will be completely stripped away of its authority for carbon monoxide, climate problems, plus anything else that creates carbon—it could be factories; all kinds of things. They will be completely free of any kind of regulation. I think that is wrong.

I think the regulation has to be put in place which is reasonable, which would be the purpose of my amendment for 2 years. Then that would be it. Then we would see where we are. But to do a permanent, complete emasculation of the EPA isn't what a mature body of legislators does, in my judgment. I, therefore, will vote against this amendment and will wait to see the result and then offer my amendment which I think is much more sensible.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank Senator ROCKEFELLER and all of the Members who have come to the floor today debating this important bill and to share their thoughts about other amendments that are—some directly but some indirectly—related to our discussion. It doesn't look as if we are going to vote tonight, but we are going to continue to work throughout the evening as Members want to come to the floor and speak on their amendments, so we can try to work something out for tomorrow.

I thank Senator SNOWE and her staff for their good work today. I see Senator WHITEHOUSE on the floor. He may wish to speak about an amendment. But I remind everyone that we are on the SBIR and STTR Reauthorization Act. It is a very important piece of legislation that has been sputtering for a reauthorization now for over 6 years, and there are literally thousands of entities—small businesses, dozens of Federal agencies, many, many organizations from the Chamber of Commerce to the American Small Business Association—that are depending on us to do our work and actually get this program reauthorized. It is important to give consistency and permanency. So we are going to continue to work to do that.

I look forward to speaking in more detail about the bill later tonight and tomorrow. But it looks as though we are not going to have votes tonight;

but, hopefully, we can get some order and some agreement to proceed.

At this time I see Senator WHITEHOUSE on the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, we are not at this moment without votes on this important legislation for lack of effort by the distinguished Senator from Louisiana. She has been extraordinarily determined, as she was with her earlier small business legislation which she fought through to a success, and I am sure this will be fought through to a success as well.

One of the ways in which our friends on the other side are seeking to harass and impede this important piece of legislation is by putting on unrelated amendments—particularly poisonous unrelated amendments, including the one Senator ROCKEFELLER just spoke about—to completely gut and strip the authority the U.S. Supreme Court has recognized EPA has to protect us from the hazard of carbon pollution.

Underlying this procedural maneuver which would interfere with this significant jobs-related bill is a fundamental disagreement about whether our atmosphere is being affected by the carbon pollution we have been pumping into it. I would submit the facts are entirely on one side of that debate, and the polluters are entirely on the other. It is only in a building such as this in which so many special interests have such sway that the debate has the currency it appears to have achieved.

Much of what is happening is nondebatable. Scientists know—not from theory but from observation, from calculation—what the range of parts per million of carbon dioxide has been in the atmosphere for 8,000 centuries. We can go back and find the carbon record in ice and in other ways, and we can establish what the range was of carbon dioxide in our atmosphere.

For the last 800,000 years, it has been between 170 and about 300 parts per million. That is the bandwidth—170 to 300 parts per million—over 800,000 years. For the first time in 800,000 years, we are out of that range. The present concentration—again, a measurement, not a theory—exceeds 391 parts per million. Scientists can draw a trajectory which is something that people do all over this world. It is not complicated. It is not theory. If you draw a trajectory based on where we are going, the trajectory puts us at 688 parts per million in the year 2095 and 1,097 parts per million in the year 2195. These are levels that not only haven't been seen in 800,000 years, they haven't been seen in millions of years.

This is an experiment in the very nature, the very physics of our planet. It has been known since just after the Civil War when the Irish scientist Tyndall discovered that CO_2 in the atmosphere had a warming effect, had a blanketing effect and warmed the atmosphere. That has been bomb-proof science for more than a century. It is in basic textbooks.

When we take that scientific theory—basic, established, more than 130, 140 years old—and then combine it with the facts as we see it, that it has been in this range, it is now out of an 8,000-century range and climbing, and we look at some of the effects that are beginning to happen that are also consistent with that, a fairly undeniable story begins to emerge.

The day will come, I am confident, when our grandchildren will look back at this moment at our unwillingness to deal with the plain scientific evidence in front of us and to instead be persuaded by merchants of doubt with big checkbooks who have a vested interest in the outcome, who have a conflict of interest. We are listening to them, and we are not listening to the plain facts and to the plain science and the theories that have been known for more than a century. People will look back at us with real shame—there is no other word for it—shame and disgust, that this was the way we addressed this problem on our planet.

We can look back at other events such as this. Galileo had a view based on his observations on science as to how the planets worked, and he was intimidated out of it by the power of the day which couldn't abide that, and he was taken before the inquisition and was forced to recant. The legend is that when he recanted, he quietly said to himself: I recant, but the planets stay their courses.

Well, the planets stay their courses, the laws of physics and chemistry don't change, and we are on a slope toward a very severe problem. We can't just simply, like the ostrich, put our heads in the sand over and over. It is just wrong.

So this amendment is wrong that would strip EPA of their authority. It will hurt people who depend on this. It has always been good for America when we have made our air and water cleaner. We simply cannot go on this way. It is bad for this bill because it puts a poisonous amendment on it when this should be a bill we should all be getting behind. It is certainly wrong from a point of view of history and science and the obligation we have to our younger people and to their children who have to live in a world that faces the consequences of our negligence this day.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, this has actually been a very invigorating debate on the bill that is pending before the Senate. We have heard a few amendments that have been filed that are directly related to the reauthorization of this important program, and there are others who have an arguably indirect impact on small business jobs and the creation of opportunity for research and technology investments for small business in America. But we are unable to vote tonight and to come to any consensus about the order of votes. Hopefully, we can do that sometime this evening.

Let me take this moment to again thank the 84 Members of the Senate who voted yesterday to give us an opportunity to get to this important bill. As people have watched this debate throughout the day and continue to watch this evening, one of the reasons the leadership likes to sometimes put appropriate limits on the debate is to keep people focused on the underlying issue. But Senator SNOWE and I decided to urge our leaders to have a really open debate because we understand there are Members who feel very strongly about the EPA issues and the climate change rules and regulations and about the 1099 provision. Senator NELSON feels strongly about reducing legislative spending. Senator HUTCHISON and I in particular have strong feelings about the LEASE Act. So we are going to be as inclusive and incorporate as many of these ideas as we can.

But I really want to ask, since we have looked at the amendment list just within the hour and we have 48 amendments pending on this bill—and some people have half a dozen—if Members and their staffs will please look and see what is absolutely essential for them to offer as an amendment on this bill so that we don't miss this opportunity. That is really what I want to express right now, that this will be a missed opportunity to reauthorize one of the best programs at the Federal level.

We have heard a lot of talk about programs that don't work, about programs that are wasteful, programs that are full of fraud and abuse. This is not one of them. This is the Federal Government's largest investment program in research and development. This gives small businesses in America—businesses we all represent on main streets everywhere, whether North Carolina, Louisiana, California, or Massachusetts, small businesses with cutting-edge technology and new and exciting science, with very bright people who have graduated from some of the finest universities in the world—this gives them an opportunity to put their technology and their know-how in front of Federal agencies for the sole purpose of saving taxpayer money, creating jobs, and increasing the revenues paid to governments at the local, State, and Federal level to solve our deficit problem.

We are not going to solve our debt and deficit problem by cutting, slashing recklessly, domestic discretionary spending alone. No one in America believes that. I don't know why people come to the floor to continue to promote that idea. It is not going to happen. We are going to get to a balanced budget when we bring our revenues and our spending, in appropriate order, in line and when we pass bills such as this that literally help create thousands of jobs in America. That is what is going

to end the recession. That is what is going to close this budget gap. And that is why I will stay on the floor all week with Senator SNOWE, who has been wonderfully helpful today, and we will continue until we can get this bill passed.

I don't want us to miss this opportunity because it has been three Congresses—not one, not two, but three Congresses—that have tried and failed. We are not going to fail this week. We are going to pass this bill this week in the Senate. We are going to get a bill out of here and over to the House. It is very likely that the House will take up our bill as it is generally written.

Why do I say that? Because we have already incorporated so many of the House views and thoughts over the last several years. This is not new language to them. We have a new chairman—Chairman GRAVES—and he understands perfectly that we are working hard in the Senate to get this bill over to him and to his good committee.

We have literally thousands of businesses kind of on hold because they do not know whether this program is going to be here from week to week. We have agencies that don't know if they should put out solicitations for new technologies. Why wouldn't we want to take this opportunity when we clearly know this is one of the most effective programs? Let me give a specific example. We have used it before, but it is worth using again, although we have hundreds.

Qualcomm is a company that is very well known. It developed the software primarily that allows wireless communication. Twenty years ago, nobody ever heard of Qualcomm, and very few people had cell phones that weighed less than 3 pounds each, as I remember. But 25 to 30 people came together with Dr. Jacobs. They sat in his den, as he testified before our committee just last week. He said that through the SBIR Program, their initial idea got a couple hundred dollars. In phase II, they got $1.5 million.

That is what this program does—incentivizes or gives grants or contracts to emerging technologies well before a bank would take a look, well before a venture capital fund would even look in their direction. You have to develop the technology to a point and then have it launched. This is where there is what he described as the valley of death—great ideas, but there is just not a lot of venture capital out there and particularly in this recessionary period. So he says we helped, that without this program, it would have been very difficult to grow their company.

Today, that company employs 17,500 people in about 22 countries in the world, including right here in the United States, and it pays in taxes, in 1 year, $1 billion. That is 50 percent of the cost of this entire program. So one company—Qualcomm—in its 25-year life, has grown so much that it pays enough taxes that it supports 50 percent of the cost of this program annually.

I can give dozens of examples of other companies that have been launched through this program.

Let me say that our Federal departments are getting better at this. It was a little touch-and-go at first. The Federal agencies weren't quite used to it. Senator Rudman helped to create this program. He was very passionate about it, as were others, so we sort of pushed the Federal agencies to do this. They were more comfortable doing research and development with the big companies. They felt more comfortable. They felt they weren't taking as much risk. No one likes to fail. So they thought: Well, I have this project, and I am going to give it to IBM. If it doesn't work, nobody can blame me. The problem was that IBM didn't have all the answers. We have come to find out that sometimes they had very few during parts of their career as a company.

Not to be disrespectful to that company, but right down the road there were 10 small businesses, but nobody ever heard of them; scientists nobody ever heard of. Senator Rudman knew this, so he said: We are going to mandate a certain percentage of your research and development money, you have to push it out to small business. And some of them, yes, failed. But as the folks testified, if they are not failing, this program isn't working. I want to repeat. If they are not failing, this program isn't working because this program is front-end, high-risk, but with great returns for the American taxpayer and great returns for small businesses.

I might say, as I said earlier today, it is the envy of many other countries in the world. The gentleman who has done the most research and looking over at this program testified before our committee that he travels around the world, and he is called by other nations that ask: How is it that the Federal Government sets up programs that allow the small businesses to enter into research and development?

So Senator SNOWE and I have taken this on as our first priority for this year and for this Congress. We know there are many important bills pending before our committee, but we believe this is the right bill to present to the Congress in the right order. The Chair is on the committee, so she knows this very well. But we are trying to think of what we could get out of our committee to the floor, to the President's desk, that has the most immediate impact, creates the most jobs, and this is the program.

This program extends the authorization for 8 years. It updates the award sizes for the program from $100,000 to $150,000. It takes the phase II awards from $750,000 to $1 million. It increases investment in small businesses by increasing the percentage from 2.5 to 3.5 percent of the research and development monies at all agencies over 10 years, including NIH and the Department of Defense.

These are very significant numbers for the Department of Defense. It is $1 billion. It is $1 billion this bill will sort of set aside and say: Defense Department, if you are looking for that new radiator for that tank, if you are looking at ways to cool or looking at ways to sort your ammo more efficiently or looking at ways to come up with new software to help that warfighter, here is $1 billion of research money, and we want you to ask not just the big companies in America and around the world but the small companies, the innovators out there. Give them a chance to show you what they have. That is what this program does, and we have reams and reams of data supporting its effectiveness.

It also includes this compromise between the biotech, the venture capital industry, and the small business community. We had a big fight over the last several years, but we have come to a compromise. Neither side is ecstatic, which means it is a good compromise. They are all sort of just understanding that without this compromise, this bill could fall apart, and they know how important it is. So they have come to terms on the basic portion that can be invested by venture capital funds, leaving the integrity of this program as a small business program, which is the way it was created, but allowing an appropriate level of involvement with the venture capital industry.

It also creates Federal, State, and technical partnerships. It improves the SBA's ability to oversee and coordinate this program. It adds some metrics and measurements so we can really get some good data about how it is working and where it is not working. And as we authorize it for 8 years, we will be able to really say that we got down to business and we got serious about reauthorizing this important program, while leaving this debate open and flexible and allowing the Members to have an opportunity to speak about things they feel strongly about.

I am hoping that sometime tomorrow we can vote on some of the amendments we discussed today—the McConnell amendment, the Johanns amendment, potentially, the Vitter amendment, and the Nelson amendment. Senator CORNYN, Senator HUTCHISON, and others were down here to speak. We hope to get their amendments in the queue. But again, if the Members would just be cooperative and let Senator SNOWE and me know whether you could choose one or two and not offer six or seven amendments, that would be extremely helpful to us. Just let us know and our staffs know, and we will work as hard as we can to have the votes that are necessary to move this bill off the floor and get it to the President's desk.

For those who say, why aren't we talking about the budget and debt, my answer is, we are talking about the budget and debt. This is part of closing the budget gap. This is about creating jobs that generate revenue that closes

that gap. It is not just about discretionary domestic spending cuts. We will never get where we need to be going down that road. We are going to get to it by a combination of things, and that is why Senator SNOWE and I feel very strongly about bringing this bill to the floor to talk about growing and encouraging job creation, particularly by small businesses, innovators, entrepreneurs, inventors, and risk takers who need and rely on this program to launch new and exciting businesses that benefit us all.

Whether it is in the State of Oregon, the State of Louisiana, or, as I said, Massachusetts, New York, or California, we have literally thousands of companies that have used this program successfully to grow. Our people are employed, and America is continuing to lead in many areas. Unfortunately, we don't lead in every area, but in many areas in new emerging technology, depending on the field, of course, we are very proud of this Federal program, and it is an example of a program that works.

If we could work as well as this program does in doing our work this week and getting this bill actually off the floor intact—with some amendments, of course, that will be voted on—and get it over to the House, let them do their work, and get this bill to the President's desk, we will have done some good work this week.

Mr. President, I am going to suggest the absence of a quorum. I don't see anyone else on the floor. There may be Members who will want to come to talk about amendments. There will be nothing that will be pending for the next few hours, and hopefully we can get an agreement later on tonight.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maine.

Ms. COLLINS. Mr. President, unfortunately, all too often it seems Federal agencies do not take into account the impacts to small businesses and job growth before imposing new rules and regulations. And so, I am introducing three amendments to the Small Business Reauthorization bill to force Federal agencies to cut the redtape that impedes job growth.

The first of my three amendments requires Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Presently, Federal agencies are not required by statute to analyze the indirect cost regulations can have on the public, such as higher energy costs, higher prices, and the impact on job creation. However, Executive Order 12866, issued by President Clinton in 1993, obligates agencies to provide the Office of Information and Regulatory Affairs with an assessment of the indirect costs of proposed regulations. My amendment would essentially codify this provision of President Clinton's Executive Order.

My second amendment obligates Federal agencies to comply with public notice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as guidance documents.''

After President Clinton issued Executive Order 12866, Federal agencies found it easier to issue so-called guidance documents, rather than formal rules. Although these guidance documents are merely an agency's interpretation of how the public can comply with a particular rule, and are not enforceable in court, as a practical matter they operate as if they are legally binding. Thus, they have been used by agencies to circumvent OIRA regulatory review and public notice and comment requirements.

In 2007, President Bush issued Executive Order 13422, which contained a provision closing this loophole by imposing ''Good Guidance Practices'' on Federal agencies, which requires them to provide public notice and comment for significant guidance documents. My amendment would essentially codify this provision of President Bush's Executive Order.

My third amendment helps out the ''little guy'' trying to navigate our incredibly complex and burdensome regulatory environment. So many small businesses don't have a lot of capital on hand. When a small business inadvertently runs afoul of a Federal regulation for the first time, that first penalty could sink the business and all the jobs it supports. My amendment would provide access to SBA assistance to small businesses in a situation where they face a first-time, nonharmful paperwork violation. It simply doesn't make sense to me to punish small businesses the first time they accidently fail to comply with paperwork requirements, so long as no harm comes from that failure.

Each of the provisions of these amendments have been endorsed by the National Federation of Independent Business, NFIB, and the Small Business and Entrepreneurship Council. I urge my colleagues to support these important amendments to our regulatory system.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

NOMINATION HOLD

Mr. WYDEN. Mr. President, last year, I was disappointed to hear that some members of the Oregon National Guard who were demobilizing at Joint Base Lewis-McChord, JBLM, were not given access to all of the medical treatment to which they were entitled. Further, a document surfaced that showed that medical staff at the facility were being taught to believe that National Guard soldiers were not equal to active-duty soldiers and were to not receive the same standard of care.

Several investigations into the incident were conducted by the Army. However each of the reports was classified as a medical quality assurance document, preventing anyone, including myself, from seeing them.

I have been working with Secretary of the Army John McHugh to try to resolve this issue. I also hope to meet with Ms. Jo Ann Rooney—who, has been nominated to be Principal Deputy Under Secretary of Defense for Personnel and Readiness, and if confirmed, would be involved in shaping policy regarding the demobilization of National Guard troops—so that we can discuss this issue.

However, until I am satisfied that the Army has conducted a proper investigation of the incidents at JBLM, is working to resolve any problems that exist, and that Ms. Rooney will work to ensure that all servicemembers receive the care and benefits they have earned, I cannot allow Ms. Rooney's nomination to proceed.

Therefore, I will object to any unanimous consent agreement to consider Ms. Rooney's nomination. Thank you for your assistance in this important matter.

ADDITIONAL STATEMENTS

TRIBUTE TO HAL TURNER

• Ms. LANDRIEU. Mr. President, I have come to the Senate floor many times before to speak about the important role that Louisiana sheriffs play in our State. Our sheriffs are unique among their nationwide counterparts in three distinct ways: in that they serve as the chief law enforcement officer of the parish, the chief executive officer of the parish court, and the official tax collector for their parishes. This position, established in our State Constitution, gives our sheriffs a highly influential and distinct position of power and responsibility.

Today I have come to commemorate one of our State's most distinguished sheriffs, and a true leader within our law enforcement committee, Hal Turner. Late last week, I learned that Hal, the executive director of the Louisiana Sheriffs' Association, LSA, will be retiring at the end of March. He has served in this important role since 2004, and is only the third individual to do so since the LSA's inception in 1938. While I am sad to see him leave, I would like to take a moment to honor Hal, his over 30 years of public service, and the many contributions he made to Louisiana.

Hal began his law enforcement career in 1980 and rose through the ranks of the Allen Parish Sheriff's Office from patrol deputy to criminal investigator. From the beginning he knew that law enforcement was something he ''wanted to do,'' but later in life he would

learn that it was something he ''had to do.'' For Hal, law enforcement was about more than solving crimes; he recognized the role of the community in deterring criminal activity. To foster that engagement, Hal began mentoring youth as one of Louisiana's first Drug Abuse Resistance Education—DARE—officers. To this day, that post remains a source of great pride for him.

Hal's passion for law enforcement and service fueled participation on numerous LSA boards as well as the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. In 2001, Hal achieved the highest honor awarded to a Louisiana sheriff—president of the LSA. Because of his effectiveness as a leader and continued advocacy for the sheriffs, this part-time role soon became a full-time position. Hal took the helm as executive director in 2004.

As executive director, Hal ensured that the LSA was prepared for the challenges of the 21st century. Some of his initiatives included the promotion of the Sex Offenders Tracking WebSite, establishing Louisiana as one of the first States to take advantage of this National Precursor Log Exchange, NPLEx, and launching the Louisiana Methamphetamine Task Force, a project I was proud to help Hal accomplish.

During his tenure Hal and his sheriffs were tested in unprecedented ways, but his dedication to agency coordination allowed the sheriffs to utilize their unique role as both law enforcement and first responders throughout the State. This role was particular clear during both hurricanes Katrina and Rita. As my colleagues know, August 2005 saw the worst natural disaster in the gulf coast's history. For me, the response to these disasters revealed the depth of Hal's character. Even under the most difficult of circumstances, he responded calmly, and continued to work for the people of Louisiana. Hal's unfailing support during these disasters, and his efforts to coordinate with State and local law enforcement made our State's response measures as effective as those circumstances would permit.

I could go on and on about Hal: from his efforts during other hurricanes to his work during catastrophic oilspills in the Gulf of Mexico. However, I know that I could never fully express what Hal has done for the people of Louisiana. Hal will always be remembered as the reliable voice of fortitude for and on the behalf of the Louisiana sheriffs. We will surely miss him but can take great comfort knowing that his wonderful wife Kathy and five grandchildren will be spending more time with their ''Paw Paw.'' I wish my friend all the best in his retirement and thank him for his steadfast duty to our great State.●

MESSAGES FROM THE HOUSE

At 10:35 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 793. An act to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the ''Specialist Jake Robert Velloza Post Office''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. Concurrent resolution providing for the acceptance of a statue of Gerald R. Ford from the people of Michigan for placement in the United States Capitol.

At 3:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 48. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 30. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 793. An act to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the ''Specialist Jake Robert Velloza Post Office'', to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 48. Joint resolution making further continuing appropriations for fiscal year 2011, and for other puropses.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–882. A communication from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Reporting Certain Post-Enactment Swap Transactions'' ((17 CFR Part 44)(RIN3038–AD29)) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–883. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Ownership or Control by a Foreign Government'' (DFARS Case 2010–D010) received in the Office of the President of the Senate on March 5, 2011; to the Committee on Armed Services.

EC–884. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Thomas G. Miller, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–885. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–886. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (6) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–887. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–888. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act—Community Development'' (RIN1550–AB48) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–889. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Personal Transactions in Securities'' (RIN1550-AC16) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–890. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Stock Benefit Plans in Mutual-to-Stock Conversions and Mutual Holding Company Structures'' (RIN1550–AC07) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–891. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Permissible Activities of Savings and Loan Holding Companies'' (RIN1550–AC10) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–892. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Prohibited Service at Savings and Loan Holding Companies'' (RIN1550–AC14) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–893. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of

a rule entitled ''Community Reinvestment Act—Interagency Uniformity'' (RIN1550–AC08) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–894. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy announcement in the position of Under Secretary (Terrorism and Financial Crimes), received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–895. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–896. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Bank's 2010 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–897. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to the Reductions and Increases to Hospitals' FTE Resident Caps for Graduate Medical Education Payment Purposes'' (RIN0938–AQ92) received in the Office of the President of the Senate on March 14, 2011; to the Committee on Finance.

EC–898. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Certain Archaeological and Ethnological Materials from Colombia'' (RIN1515–AD73) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Finance.

EC–899. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Country of Origin of Textile and Apparel Products'' (RIN1515–AD57) received during adjournment of the Senate in the Office of the President of the Senate on March 14, 2011; to the Committee on Finance.

EC–900. A communication from the Deputy Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, the Department's third and final report on the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC–901. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Buy American Act Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–902. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Garnishment of Accounts Containing Federal Benefit Payments'' (RIN1505–AC20) received in the Office of the President of the Senate on March 10, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–903. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ''2011 National Aeronautics and Space Administration (NASA) Strategic Plan''; to the Committee on Homeland Security and Governmental Affairs.

EC–904. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Making the Right Connections: Targeting the Best Competencies for Training''; to the Committee on Homeland Security and Governmental Affairs.

EC–905. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010 Annual Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–906. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–907. A communication from the Chairman, Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's Fiscal Year 2010 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–908. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to a one-year extension of the District of Arizona's declaration of a judicial emergency; to the Committee on the Judiciary.

EC–909. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States'' for the September 2010 session; to the Committee on the Judiciary.

EC–910. A communication from the Deputy General Counsel, Office of Surety Guarantees, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Surety Bond Guarantee Program; Disaster and Miscellaneous Amendments'' (RIN3245–AF77) received during adjournment of the Senate in the Office of the President of the Senate on March 11, 2011; to the Committee on Small Business and Entrepreneurship.

EC–911. A communication from the Director of the Regulations Management Office of the General Counsel, Office of Public and Intergovernmental Affairs, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''U.S. Paralympics Monthly Assistance Allowance'' (RIN2900–AN43) received in the Office of the President of the Senate on March 15, 2011; to the Committee on Veterans' Affairs.

EC–912. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC–913. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to Singapore related to the sale of one G550 aircraft modified with a military TACAN beacon system and an AN/ARC-210 VHF/UHF radio in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–914. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the Commonwealth of Australia for the manufacture, assembly, testing, qualification, maintenance and repair of military aiming lasers, infrared illuminators, and associated military electronics; to the Committee on Foreign Relations.

EC–915. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Japan for the manufacture and support of the KD2R-5 Aerial Target System Program for the Japanese Ministry of Defense in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–5. A resolution adopted by the House of Representatives of the State of Michigan urging the Congress of the United States to take steps to insure that the Wall Street Reform and Consumer Protection Act does not result in increased fees on consumers at exempted institutions; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 21

Whereas, under certain provisions (section 1075) of the Wall Street Reform and Consumer Protection Act (Public Law No. 111–203), the Federal Reserve Board is required to issue regulations that would provide for reasonable interchange transaction fees for electronic debit transactions and place limitations on payment card network restrictions; and

Whereas, in drafting Section 1075, Congress included language to exempt small issuers from this provision, defining small institutions as those ''with less than $10 billion in total assets.'' Small issuers rely on debit interchange fees to provide free checking services to their customers and to cover costs associated with fraud prevention and data security. If these costs were not fully recoverable, small issuers would be unable to offer debit services to their customers, and the result could be decreased consumer choice and higher fees. Because of these concerns, Congress specifically exempted those institutions with less than $10 billion in assets; and

Whereas, the Federal Reserve Board's current debit interchange fee regulatory proposal (Docket No. R–1404) could lead to the unintended consequences of increasing costs on consumers and limiting consumer choice. The proposal does not include any provision designed to enforce the carve-out for small issuers. It is incumbent on Congress to revisit this issue and help insure that these regulations do not ultimately result in less choice and higher costs for consumers: Now, therefore, be it

Resolved by the House of Representatives, That we urge Congress to stop or delay the implementation of Section 1075 so that statutory changes can be made to ensure institutions with less than $10 billion in assets are

exempted without consequence in order to ensure Section 1075 does not result in increased fees on consumers at exempted institutions; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Michael Vickers, of Virginia, to be Under Secretary of Defense for Intelligence.

*Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary of Defense for Personnel and Readiness.

Army nomination of Lt. Gen. Purl K. Keen, to be Lieutenant General.

Army nomination of Gen. Martin E. Dempsey, to be General.

Army nomination of Maj. Gen. Joseph L. Votel, to be Lieutenant General.

Army nomination of Brig. Gen. Donald L. Rutherford, to be Major General.

Army nomination of Maj. Gen. Donald M. Campbell, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Thomas L. Conant, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John F. Kelly, to be Lieutenant General.

Navy nomination of Rear Adm. James P. Wisecup, to be Vice Admiral.

Navy nomination of Vice Adm. Joseph D. Kernan, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with David Lewis Buttrick and ending with Theadore L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2011.

Air Force nominations beginning with Martin D. Adamson and ending with John Marion Von Almen, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2011.

Air Force nominations beginning with Christian R. Schlicht and ending with Kamekea C. Willis, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2011.

Army nomination of Stacy J. Taylor, to be Major.

Army nominations beginning with Temidayo L. Anderson and ending with Allen P. Zent, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2011.

Army nomination of Paul L. Robson, to be Major.

Army nomination of Brian M. Boyce, to be Major.

Army nomination of Jan I. Maby, to be Lieutenant Colonel.

Army nominations beginning with Jason K. Burgman and ending with Cody D. Whittington, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2011.

Army nominations beginning with Lee A. Burnett and ending with Robert A. Marsh, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2011.

Army nominations beginning with Kenneth P. Donnelly and ending with Richard J. Vanarnam, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2011.

Army nominations beginning with Kevin J. Mccann and ending with Gordon E. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2011.

Army nominations beginning with John S. Kuttas and ending with Wesley G. White, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2011.

Army nomination of Nicole K. Avci, to be Major.

Army nomination of Edmond K. Safarian, to be Major.

Army nominations beginning with Charles L. Clark and ending with Russell D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2011.

Army nominations beginning with Erik M. Benda and ending with Seth D. Middleton, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2011.

Army nominations beginning with Kevin B. Dennehy and ending with Gregory A. Thingvold, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2011.

Marine Corps nomination of Daniel A. Sierra, to be Major.

Marine Corps nomination of Jeffrey S. Forbes, to be Lieutenant Colonel.

Navy nominations beginning with Garry W. Lambert and ending with Bryan P. Rasmussen, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2011.

Navy nominations beginning with Karin E. Thomas and ending with Leslie A. Waldman, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2011.

Navy nomination of Daniel A. Freilich, to be Captain.

Navy nominations beginning with Richard T. Grossart and ending with Andrew G. Mortimer, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2011.

Navy nominations beginning with John A. Salvato and ending with Jay A. Ferns, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2011.

Navy nomination of Brandon M. Oberling, to be Lieutenant Commander.

Navy nominations beginning with William A. Brown, Jr. and ending with Harpreet Singh, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself and Mr. RUBIO):

S. 574. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. CORKER, Mr. CARPER, Mr. ROBERTS, Mr. COONS, Mr. LEE, Mr. NELSON of Nebraska, Mr. KYL, Mr. TOOMEY, Mr. THUNE, and Mr. COBURN):

S. 575. A bill to study the market and appropriate regulatory structure for electronic debit card transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 576. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 577. A bill to amend the Internal Revenue Code of 1986 to clarify eligibility for the child tax credit; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. FRANKEN, Mr. SANDERS, Mr. BEGICH, Mr. WYDEN, Mr. WHITEHOUSE, Mr. KERRY, and Mrs. MURRAY):

S. 578. A bill to amend title V of the Social Security Act to eliminate the abstinence-only education program; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 579. A bill to amend title 10, United States Code, to direct the Secretary of Defense to provide members of the Individual Ready Reserve, Individual Mobilization Augmentees, and inactive members of the National Guard who served in Afghanistan or Iraq with information on counseling to prevent suicide, and for other purposes; to the Committee on Armed Services.

By Ms. KLOBUCHAR (for herself, Mr. LUGAR, and Mr. NELSON of Nebraska):

S. 580. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to require the appointment of a member of the Science Advisory Board based on the recommendation of the Secretary of Agriculture; to the Committee on Environment and Public Works.

By Mr. BURR (for himself and Mr. ENZI):

S. 581. A bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. AKAKA, Mr. WHITEHOUSE, Mr. BROWN of Ohio, Ms. MIKULSKI, Mrs. BOXER, Ms. STABENOW, Mr. BEGICH, Mr. BLUMENTHAL, and Mr. LAUTENBERG):

S. 582. A bill to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act; to the Committee on Rules and Administration.

By Ms. MIKULSKI (for herself and Mr. INOUYE):

S. 583. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. CARDIN, Mr. BEGICH, and Mr. INOUYE):

S. 584. A bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Nebraska (for himself, Mr. KERRY, Mr. BROWN of Ohio, Mr. UDALL of Colorado, Ms. MIKULSKI, Mr. COONS, and Mr. DURBIN):

S. 585. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mrs. MCCASKILL):

S. 586. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself, Mr. SCHUMER, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. SANDERS, and Mr. CARDIN):

S. 587. A bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY:

S. 588. A bill to amend the Workforce Investment Act of 1998, to authorize a national grant program for on-the-job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 589. A bill to provide for an expedited response to emergencies related to oil or gas production or storage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 590. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself, Ms. STABENOW, Ms. CANTWELL, Mr. CASEY, and Mr. MERKLEY):

S. 591. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN:

S. Res. 102. A resolution calling for a no-fly zone and the recognition of the Transitional National Council in Libya; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 325

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 325, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 376

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 376, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 437

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 437, a bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to provide each individual taxpayer a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories.

S. 489

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 520

At the request of Mr. COBURN, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 530

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 530, a bill to modify certain subsidies for ethanol production, and for other purposes.

S. 555

At the request of Mr. FRANKEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 565

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 565, a bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States.

S. 570

At the request of Mr. TESTER, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Arkansas

(Mr. BOOZMAN) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 51

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. Res. 51, a resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 87

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the ''International Year of Cooperatives''.

S. RES. 94

At the request of Mr. WICKER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 94, a resolution to express the sense of the Senate in support of reducing its budget by at least 5 percent.

AMENDMENT NO. 161

At the request of Mr. JOHANNS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 161 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 576. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing the FIT Kids Act. That first word, FIT, an acronym for Fitness Integrated with Teaching, an important concept that I am proud to promote today. The FIT Kids Act encourages schools to provide children with quality physical education in an effort to promote health and wellness throughout their lives.

Since the 1970s, the incidence of obesity has more than doubled for preschool children aged 2–5 years and for young people aged 12–19 years; for children aged 6–11 years, it has more than tripled. Since there are many reasons for this public health crisis, we know that addressing it will require multiple solutions. An important place we can address childhood obesity is in our schools. The Centers for Disease Control and Prevention has found that fewer than 10 percent of our public schools offer daily physical education for the entire school year for all students. Let me repeat that, fewer than 10 percent. Our kids deserve better. Research has shown that physical education not only promotes health and wellness, it also has a direct correlation with kids' academic performance in school.

The FIT Kids Act would amend the Elementary and Secondary Education Act to shine a light on the availability of quality physical education for all public school children through grade 12, and to ensure they receive important health and nutritional information. As Chairman of the Senate Health, Education, Labor and Pensions Committee, I have been working in a bipartisan way with my colleagues on the committee to reauthorize the Elementary and Secondary Education Act.

With the reauthorization of the Elementary and Secondary Education Act, we must fix the things that are not working, while protecting the goals of the bill, including narrowing achievement gaps. It is truly alarming to see the discrepancies in achievement between children in the United States and children abroad. Here in the U.S., despite making some progress, we continue to have wide and persistent achievement gaps that are leaving behind children of color, young people from disadvantaged backgrounds, and children with disabilities.

In addition to achievement gaps, I am also concerned about the trends in physical education in schools across the Nation. Currently, schools are decreasing the amount of free play or physical activity that children engage in during school hours. Only about one-third of elementary children have daily physical education, and less than one-fifth have extracurricular physical activity programs at their schools. I know that difficult resource decisions have to be made but we cannot short-change our children's health. This is short-sighted for two big reasons: One, we are fighting a childhood obesity epidemic of frightening proportions. And, two, as research shows, and as any teacher or parent knows, kids have to have time to play and burn off energy if they are going to be in a proper frame of mind to learn.

The association between physical activity and academic achievement is an important part of why we need to continue to support physical education. Broad evidence suggests a positive relationship between physical activity and grade point average, rate of learning, memory, attention span, and classroom behavior, as well as cognitive, social, and motor skill development. Research indicates that youth who report engaging in physical activity at school are 20 percent more likely than their less active peers to earn good grades in math or English. Furthermore, data suggests that children who are overweight have greater risk for school absenteeism than their peers who are average weight. In order for our Nation's children to be successful students, we must do all that we can to ensure they are in school and ready to learn.

This legislation will ensure that parents receive critical information regarding the time and resources devoted to their children for a quality physical education. Specifically, the bill will require schools, local educational agencies, and state educational agencies to publicly report on the quantity and quality of physical education courses provided using nationally recognized guidelines and standards. This will give parents the information they need to assess whether their children are receiving an appropriate physical education. Furthermore, the FIT Kids Act would give parents the tools necessary to encourage and support a healthy and active lifestyle, including increased physical activity during and outside the school day, and nutritious eating habits both at home and at school.

In addition, the bill promotes professional development for teachers and school principals to promote healthy lifestyles and physical activity through evidence-based curricula, and thereby boost students' ability to learn more effectively. The bill also promotes physical activity in after-school programs and amends the school counseling program to take into account both students' emotional wellbeing and their physical wellbeing.

Finally, this legislation authorizes research on the ways physical activity can be incorporated into all aspects of the school day, the impact of physical activity on students' readiness to learn, and the best ways to measure student progress in increasing physical activity.

The FIT Kids Act shines a spotlight on children's health and how our schools can play a greater role in teaching our children healthy behaviors. As we move forward in reauthorizing the Elementary and Secondary Education Act, we cannot neglect the importance of proper physical education. We know that sedentary lifestyles that begin in childhood can lead to number of major chronic diseases that affect their health and wellbeing in adulthood. Accordingly, we owe it to American students to teach them healthy behaviors and the importance of physical activity, and how these lessons will benefit them throughout their lives. The FIT Kids Act provides the framework to accomplish this. I urge my colleagues to support this bill.

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. 576

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 ''Fitness Integrated with Teaching Kids Act'' or the ''FIT Kids Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Childhood obesity has reached epidemic proportions in the United States.

(2) Obesity-related diseases cost the United States economy more than $117,000,000,000 every year.

(3) The prevalence of overweight in children between the ages of 6 and 11 years increased from 4.0 percent in 1971–1974 to 17.5 percent in 2001–2004, and the prevalence of overweight in adolescents between the ages of 12 and 19 years increased from 6.1 percent to 17.0 percent.

(4) More than 9,000,000 children and adolescents between the ages of 6 and 19 years are considered overweight on the basis of being in the 95th percentile or higher of BMI values in the 2000 CDC growth chart for the United States.

(5) If children do not become more active and healthy, one-third of all children born in 2000 or later will suffer from diabetes at some point in their lives.

(6) Of all United States deaths from major chronic disease, 23 percent are linked to sedentary lifestyles that now begin at childhood.

(7) Adolescents who are overweight have a 70–80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death.

(8) A recent study showed that plaque build-up in the neck arteries of children who are obese or those with high cholesterol is similar to those levels seen in middle-aged adults.

(9) A decline in physical activity has contributed to the unprecedented epidemic of childhood obesity.

(10) The Physical Activity Guidelines for Americans recommend that children engage in 60 minutes or more of physical activity each day.

(11) In a 2005 Government Accountability Office report on key strategies to include in programs designed to target childhood obesity, ''increasing physical activity'' was identified as the most important component in any such program.

(12) Part of the decline in physical activity has been in our Nation's schools, where physical education programs have been cut back in the past 2 decades.

(13) The national standard for physical education frequency is 150 minutes per week in elementary school and 225 minutes per week in middle school and high school.

(14) Only 3.8 percent of elementary school, 7.9 percent of middle school, and 2.1 percent of high schools provide daily physical education or its equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education at all.

(15) Among children ages 9 to 13, 61.5 percent do not participate in any organized physical activity during out-of-school hours.

(16) Regular physical activity is associated with a healthier, longer life and a lower risk of cardiovascular disease, high blood pressure, diabetes, obesity, and some cancers.

(17) Research suggests a strong correlation between children's fitness and their academic performance as measured by grades in core subjects and standardized test scores.

(18) Approximately 81 percent of adults believe daily physical education should be mandatory in schools.

SEC. 3. REPORT CARDS.

Section 1111(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)) is amended—

(1) in paragraph (1)(C)—

(A) in clause (vii), by striking ''and'' after the semicolon;

(B) in clause (viii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(ix) the amount of time students spend in required physical education as measured against the national standards of 150 minutes per week of required physical education for students in elementary school and 225 minutes per week of required physical education for students in middle school and secondary school;

''(x) the percentage of local educational agencies in the State that have a required, age-appropriate physical education curriculum for all students in elementary schools, middle schools, and secondary schools that adheres to national guidelines adopted by the Centers for Disease Control and Prevention and State standards;

''(xi) the percentage of elementary school and secondary school physical education teachers who are State licensed or certified as physical education teachers; and

''(xii) the percentage of schools that have a School Health Council that includes parents, students, representatives of the school food authority, representatives of the school board, school administrators and members of the public and that meets monthly to promote a healthy school environment.'';

(2) in paragraph (2)(B)(i)—

(A) in subclause (I), by striking ''and'' after the semicolon;

(B) in subclause (II), by striking ''and'' after the semicolon; and

(C) by adding at the end the following:

''(III) the percentage of elementary school and secondary school physical education teachers who are State certified as physical education teachers; and

''(IV) the amount of square feet of indoor and outdoor facilities that are primarily used for physical education and the amount of square feet of indoor and outdoor facilities that are primarily used for physical activity; and''; and

(3) in paragraph (2)(B)(ii)—

(A) in subclause (I), by striking ''and'' after the semicolon;

(B) in subclause (II), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(III) the percentage of elementary school and secondary school physical education teachers who are State certified as physical education teachers; and

''(IV) the number of meetings of a School Health Council that includes parents, students, representatives of the school food authority, representatives of the school board, school administrators and members of the public during the school year.''.

SEC. 4. PROMOTING PHYSICAL EDUCATION AND ACTIVITY IN SCHOOL PROGRAMS.

(a) ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.—Section 5421 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245) is amended—

(1) in subsection (b)(2)(H), by inserting '', which design and implementation shall take into consideration the overall emotional and physical well-being of students'' after ''the program''; and

(2) in subsection (c)(2)(E), by inserting ''health, the importance of regular physical activity,'' after ''relationships,''.

(b) SMALLER LEARNING COMMUNITIES.—Section 5441(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7249(b)) is amended by adding at the end the following:

''(14) How the local educational agency will ensure that smaller learning communities support healthy lifestyles including participation in physical education and physical activity by all students and access to nutritious food and nutrition education.''.

(c) 21ST CENTURY COMMUNITY LEARNING CENTERS.—

(1) PURPOSE; DEFINITIONS.—Section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171) is amended—

(A) in subsection (a)(2), by inserting ''nutrition education programs, structured physical activity programs,'' after ''recreation programs,''; and

(B) in subsection (b)(1)(A), by inserting ''nutrition education, structured physical activity,'' after ''recreation,''.

(2) LOCAL COMPETITIVE GRANT PROGRAM.—Section 4204(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7174(b)(2))—

(A) in subparagraph (M), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (N) as subparagraph (O); and

(C) by inserting after subparagraph (M) the following:

''(N) an assurance that the proposed program is coordinated with the physical education and health education programs offered during the school day; and''.

(3) LOCAL ACTIVITIES.—Section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a))—

(A) in paragraph (11), by striking ''and'' after the semicolon;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) programs that support a healthy, active lifestyle, including nutritional education and regular, structured physical activity programs.''.

(d) PARENTAL INVOLVEMENT.—Section 1118 of the Elementary and Secondary Education Act of 1965 is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

''(F) involve and train parents in encouraging and supporting a healthy and active lifestyle, including increased physical activity during and outside the school day, and nutritional eating habits in the home and at school; and'';

(2) in subsection (d)—

(A) in the subsection heading, by inserting after ''ACHIEVEMENT'' the following: ''BY HEALTHY, ACTIVE STUDENTS'';

(B) in the matter preceding paragraph (1), by striking ''standards.'' and inserting ''standards and to ensure that the children lead healthy, active lives.''; and

(C) in paragraph (1)—

(i) by inserting after ''supportive'' the following: '', healthy,'';

(ii) by striking ''; and participating'' and inserting ''; participating''; and

(iii) by inserting after ''extracurricular time'' the following: ''and supporting their children in leading a healthy and active life, such as by providing healthy meals and snacks, encouraging participation in physical education, and sharing in physical activity outside the school day''; and

(3) in subsection (e)—

(A) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(B) by inserting after paragraph (5) the following:

''(6)(A) shall ensure that parents and teachers have information about the importance of a healthy lifestyle, including nutritional eating habits, physical education, and physical activity, to an effective learning environment; and

''(B) shall coordinate activities with parents and teachers to ensure that children are provided with nutritious meals and snacks, and have ample opportunities for physical education and physical activity during and outside the school day;''.

SEC. 5. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND PRINCIPALS.

(a) STATE APPLICATIONS.—Section 2112(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6612(b)) is amended by adding at the end the following:

''(13) A description of how the State educational agency will use funds under this part to provide professional development that is directly related to the fields of physical education and health education to physical education teachers and health education teachers to ensure that children are leading healthy, active lifestyles that are conducive to effective learning.''.

(b) STATE USE OF FUNDS.—Section 2113(c)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)(6)) is amended—

(1) by striking '', in cases in which a State educational agency determines support to be appropriate,''; and

(2) by inserting '', physical education teachers, and health education teachers'' after ''pupil services personnel''.

(c) LOCAL APPLICATIONS AND NEEDS ASSESSMENT.—Section 2122(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(b)(9)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) improve the health and eating habits of students and increase rates of physical activity of students.''.

(d) LOCAL USE OF FUNDS.—Section 2123(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' after the semicolon; and

(B) by adding at the end the following:

''(iii) effective strategies for improving the healthy habits of students and the rates of physical activity by students that result in the ability to learn more effectively; and''; and

(2) in subparagraph (B)—

(A) in clause (iv), by striking ''and'' after the semicolon;

(B) in clause (v), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vi) provide training, with curricula that is evidence-based, in how to teach physical education and health education that results in the ability of students to learn more effectively.''.

SEC. 6. NATIONAL RESEARCH COUNCIL STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall enter into a contract with the National Research Council of the National Academy of Sciences to—

(1) examine and make recommendations regarding—

(A) various means that may be employed to incorporate physical activity into Head Start and childcare settings, elementary, middle, and high school settings, and before- and after-school programs; and

(B) innovative and effective ways to increase physical activity for all students;

(2) study the impact of health, level of physical activity, and amount of physical education on students' ability to learn and maximize performance in school; and

(3) study and provide specific recommendations for—

(A) effectively measuring the progress of students, at the school level, in improving their health and well-being, including improving their—

(i) knowledge, awareness, and behavior changes, related to nutrition and physical activity;

(ii) cognitive development, and fitness improvement, in physical education;

(iii) knowledge of lifetime physical activity and health promotion;

(iv) decrease in obesity; and

(v) levels on overall health indicators; and

(B) effectively measuring the progress of students, at the school level, in increasing physical activity.

By Ms. MIKULSKI (for herself and Mr. INOUYE):

S. 583. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, in honor of World Social Work Day, I rise today to introduce the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act and the Clinical Social Work Medicare Equity Act of 2011. I am proud to introduce legislation that will reduce the shortage of social workers in our nation and properly reimburse social workers for the services they provide.

Social workers play a crucial role combating the social problems facing our nation and are essential providers in our health care system. Our health care and social service needs have drastically increased over the past decade and will continue to do so in the next decade. We must have the workforce in place to make sure that our returning soldiers have access to mental health services, our elderly maintain their independence in the communities in which they live, and abused children are placed in safe homes. Social workers provide mental health therapy, caregiver and family counseling, health education, program coordination, and case management. In these tough economic times, social workers have an essential role in keeping communities together and helping individuals and families cope with the stresses they are facing. Social workers are vital to America's social safety net.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act provides grants to social workers, identifies workforce challenges and resource needs, and determines how any workforce shortage will affect the communities social workers serve. I am honored to introduce this bill named after two social visionaries, Dorothy I. Height and Whitney M. Young. Dorothy Height, who passed away last year, was a pioneer of the civil rights movement. Like me, she began her career as a case worker and continued to fight for social justice. Whitney Young, another trailblazer of the civil rights movement, also began his career transforming our social landscape as a social worker. He helped create President Johnson's War on Poverty and has served as President of the National Association of Social Workers.

This bill is about continued investment in social work. It provides grants for social work education, research, and training. These grants will fund community-based programs of excellence and provide scholarships to train the next generation of social workers. This bill addresses the recruitment and retention of social workers and will result in a renewed focus on improving social worker workplace safety. According to the National Association of Social Workers, 44 percent of social workers surveyed have faced personal safety issues when on the job. In addition, this bill will help identify and disseminate evidence-based best practices in social work interventions. This bill also establishes a national coordination center that will allow social education, advocacy and research institutions to collaborate and work together. The coordination center will facilitate gathering and distributing social work research to make the most effective use of the information we have on how social work service improves our social fabric. This bill also creates a media campaign that will promote social work. This bill gives social work the attention it deserves.

As a social worker, I understand the critical role social workers have in the overall care of our populations. Social workers can be found in every facet of community life—in hospitals, mental health clinics, senior centers, and private agencies that serve individuals and families in need. Social workers are there to help struggling students, returning soldiers, and the chronically ill. Oftentimes, socials workers are the only available option for mental health care in rural and underserved urban areas. Yet there are not enough social workers to meet these needs. By 2018, it is estimated an additional 100,000 social workers will be needed. We need to get our workforce in place today so that we can meet the needs of our population, particularly our aging Americans. The first of the baby boomers turn 65 this year. The aging tsunami will hit us. We must be prepared.

I believe that social work is full of great opportunities, both to serve and to lead. Social work is about putting our values into action. Social workers are among our best and brightest, our most committed and compassionate. They are at the frontlines of providing care, often putting themselves in dangerous and violent situations. Social workers have the ability to provide psychological, emotional, and social support—quite simply, the ability to change lives. I think we can do better by our constituents including our servicemembers, seniors, and children. We must make sure we have the social workers in place to meet their needs. I'm fighting to make sure we do.

I also stand on the Senate floor today to introduce the Clinical Social Work Medicare Equity Act of 2009. This bill ensures that clinical social workers receive Medicare reimbursement for the mental health services they provide in skilled nursing facilities. Under the current system, social workers cannot

bill Medicare directly for the services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services.

Since my first days in Congress, I have been fighting to protect and strengthen the safety of our Nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Five million seniors are affected by depression, yet few ever receive treatment. According to the American Psychological Association, 20 percent of people over the age of 55 have a mental health disorder and 2/3 of nursing home residents have a mental or behavioral health issue, but less than 3 percent receive treatment. These mental health disorders, which include severe depression and debilitating anxiety, interfere with a person's ability to carry out activities of daily living and adversely affect their quality of life. Furthermore, older people account for 20 percent of suicide deaths in the U.S., and white men age 85 or older have the highest suicide rate of any age group. Every year nearly 5,000 older Americans kill themselves. This is unacceptable and must be addressed.

This bill helps residents of skilled nursing facilities across the country get the mental health and psychosocial services they need. It ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, diagnose and treat mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and seniors residing in rural environments. Unlike other mental health providers, clinical social workers cannot bill Medicare directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers ensures that our most vulnerable citizens get the quality, affordable mental health care they need. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services they provided in nursing facilities for each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or ''bundled,'' along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an improved quality of life. Without clinical social workers, many nursing home residents would never get the counseling they need when faced with a life threatening illness or the loss of a loved one. I think we can do better by our nation's seniors. I am fighting to make sure we do.

As a social worker, I have been on the frontlines of helping people cope with issues in their everyday lives. I started off fighting for abused children, making sure they were placed in safe homes. I will continue to fight every day for our children, seniors, and families on the floor of the United States Senate.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act and the Clinical Social Work Medicare Equity Act of 2011 are both strongly supported by the National Association of Social Workers. I also want to thank Senator INOUYE for his cosponsorship of the Clinical Social Work Medicare Equity Act of 2012 and thank Senator BEGICH, Senator CARDIN, and Senator INOUYE for their cosponsorship of the Social Work Reinvestment Act. I look forward to working with my colleagues to enact these two important pieces of legislation.

By Mr. GRASSLEY (for himself and Mrs. MCCASKILL):

S. 586. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, today I am introducing a bill that will keep the Federal Government accountable.

Whistleblowers are the key to unlocking the secrets of wrongdoing because they have access to information about how the frauds were perpetrated and can help lead authorities in the right direction to uncover the frauds. However, for their brave efforts, they are often the victims of retaliation and are removed from their jobs by supervisors who don't want the wrongdoing uncovered. I have often said whistleblowers are as welcome as skunks at a Sunday picnic, despite the fact that all they do is bring forward the truth. This is wrong and that is why I have supported strong whistleblower protection laws during my time in Congress.

The landmark whistleblower law, the Whistleblower Protection Act of 1989, WPA, provided rights and remedies to Executive Branch whistleblowers that are the victims of retaliation. I proudly cosponsored the WPA, but like many laws that are 20 years old, it needs to be updated. So, I cosponsored legislation introduced by Senator AKAKA in the previous Congress to do just that. We are currently working to introduce similar legislation in this Congress. Despite this effort, there is still a critical gap in whistleblower protections for government employees, namely the lack of whistleblower protections for employees of the Legislative and Judicial branches of the Federal Government. I am here today to start that discussion and introduce legislation that will provide the same whistleblower protection rights currently extended to Executive Branch employees to the Legislative Branch.

I am pleased to be joined by Senator MCCASKILL in introducing the Congressional Whistleblower Protection Act of 2011. This important legislation simply adds whistleblower protections to the Legislative Branch by incorporating the WPA into the Congressional Accountability Act of 1995, a law I authored to bring Congress in line with many labor laws and workplace protections. I have long believed Congress should practice what it preaches, and this legislation will do just that.

A theme that has dominated this new Congress, as well as the elections this past November, is accountability and responsibility in Washington. In most instances, the only reason we discover waste or fraud is because employees are brave enough to stand up to the wrongdoers and expose their offenses. Without these whistleblowers, the American taxpayer would continue to foot the bill.

This bill is long overdue. I have previously introduced similar legislation but, unfortunately, those bills were never brought up in Committee. I hope that the Homeland Security and Government Affairs Committee will examine this legislation closely and expeditiously report it to the full Senate so we can ensure employees of the Legislative Branch that they are protected from any reprisals related to protected whistleblowing.

Now, it's been a number of years since the Congressional Accountability Act was signed into law by President Clinton, so I would like to remind my colleagues why we passed this law. It was a time very similar to today, the American people were demanding more from their elected officials in Washington and wanted accountability and transparency in all branches of Government. I believed then, as I do now, that Congress needs to put its money where its mouth is and apply the various labor and employment laws that we enforce on other branches of government

and businesses all across the country to ourselves. The Congressional Accountability Act did just that.

It applied a number of important laws to Congress, including, the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination and Employment Act, the Family Medical Leave Act, the Occupational Safety and Health Act, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, as well as some provisions of title 5 related to Federal service labor-management relations. It also created the Office of Compliance in the Legislative Branch that oversees application of these important laws to the Legislative Branch and ensures that employee's rights under these laws are protected. While the Congressional Accountability Act was a good start, the Office of Compliance has recommended additional laws be applied to the Legislative Branch, including the Whistleblower Protection Act.

We have already taken the steps to protect whistleblowers in the Executive Branch. It doesn't make sense not to extend these same protections to whistleblowers in our own backyard. This bill will, very simply, give congressional employees the same protections that workers in the other branches of government already possess. It does this by simply adding the Whistleblower Protection Act to the preexisting list of statutes that are applied to the Legislative Branch by the Congressional Accountability Act. This is a straightforward and simple solution to ensure that employees of the Legislative Branch are not without vital whistleblower protections.

I hope my colleagues will join me and Senator MCCASKILL in supporting this bill to ensure that those who help us in the fight to hold government accountable are not punished for their efforts.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 590. A bill to convey certain submerged lands to the Commonwealth of the North Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I join with my colleague and the Ranking Member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in re-introducing, by request, legislation to convey certain submerged lands to the Commonwealth of the North Mariana Islands, CNMI, that would give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

This bill is identical to H.R. 934 that was considered in the 111th Congress and which passed the House on July 15, 2009 and was reported by the Committee on May 6, 2010. Enactment of this legislation is time-sensitive because there is currently no Federal or local administrative regime in place to manage the lands from the mean high-tide line out to 3 miles surrounding the 14 islands of the CNMI. As a result, development and other near shore activities are on hold, or are conducted under a cloud of legal uncertainty.

I refer those interested in additional information on this proposal to Senate Report 111–197. Included in that report, is the CBO estimate which states that enacting H.R. 934 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2011.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI: As you know, the Senate Energy and Natural Resources Committee favorably reported in the last Congress H.R. 934, a bill conveying submerged lands to the Commonwealth of the Northern Mariana Islands. The measure had received unanimous support in the House. And it was included in Majority Leader Reid's amendment to S. 303, the America's Great Outdoors Act, but proceeded no further in the Senate.

I have now reintroduced the bill, exactly as reported by the Energy and Natural Resources Committee, as H.R. 670 in this Congress; and I would like to request that, as a courtesy, you together introduce companion legislation in the Senate.

For your ready reference a copy of H.R. 670 is attached.

Thank you for your consideration.

Sincerely,
GREGORIO KILILI CAMACHO SABLAN,
Member of Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 102—CALLING FOR A NO-FLY ZONE AND THE RECOGNITION OF THE TRANSITIONAL NATIONAL COUNCIL IN LIBYA

Mr. MCCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 102

Whereas peaceful demonstrations, inspired by similar peaceful demonstrations in Tunisia, Egypt, and elsewhere in the Middle East, began in Libya with calls for greater political reform, opportunity, justice, and the rule of law and quickly spread to cities around the country.

Whereas Muammar Qaddafi, his sons, and forces loyal to them have responded to the peaceful demonstrations by authorizing and initiating violence against civilian non-combatants in Libya, including the use of airpower, foreign mercenaries, helicopters, mortar and artillery fire, naval assets, snipers, and soldiers;

Whereas, in response to Qaddafi's assault on the people of Libya, the imposition of a ''no-fly zone'' in Libya was called for by the Gulf Cooperation Council on March 7, 2011; by the head of the Organization of the Islamic Conference on March 8, 2011; and by the Arab League on March 12, 2011;

Whereas the Governments of France and the United Kingdom have drafted a United Nations Security Council Resolution to mandate the imposition of a ''no-fly zone'' in Libya;

Whereas the Libyan Transitional National Council was formed in Benghazi, with representation of Libyan leaders from across the country;

Whereas, on March 10, 2011, the Government of France recognized the Libyan Transitional National Council, based in Benghazi, as the sole legitimate government of Libya and has announced its intention to send an ambassador there;

Whereas, despite initial gains, the opposition has been losing ground against Qaddafi's forces, which are currently advancing against the opposition stronghold of Benghazi;

Whereas, on March 3, 2011, President Barack Obama said, ''Let me just be very unambiguous about this. Colonel Qaddafi needs to step down from power and leave''; and

Whereas, on March 10, 2011, the Director of National Intelligence testified before Congress that, because of Qaddafi's superior military resources, including airpower, and in the absence of outside assistance to the opposition, ''I think [over] the long term that the [Qaddafi] regime will prevail.'': Now, therefore, be it

Resolved, That the Senate—

(1) applauds the bravery of the Libyan people, who are fighting to secure their universal rights against the violent dictatorship of Muammar Qaddafi;

(2) condemns Muammar Qaddafi, and the forces loyal to him, for using overwhelming and indiscriminate violence, including the use of airpower and foreign mercenaries, against peaceful demonstrators and civilians, which has resulted in gross human rights abuses, grave loss of innocent life, and potentially crimes against humanity;

(3) strongly welcomes the calls for imposing a ''no-fly zone'' in Libya made by the Arab League, the Gulf Cooperation Council, and the Organization of the Islamic Conference;

(4) reiterates that it is the policy of the United States, as stated by President Obama, that Colonel Qaddafi must step down and leave power; and

(5) calls on the President—

(A) to recognize the Libyan Transitional National Council, based in Benghazi but representative of Libyan communities across the country, as the sole legitimate governing authority in Libya;

(B) to take immediate steps to implement a ''no-fly zone'' in Libya with international support; and

(C) to develop and implement a comprehensive strategy to achieve the stated United States policy objective of Qaddafi leaving power.

AMENDMENTS SUBMITTED AND PROPOSED

SA 170. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the

SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 171. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 172. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 173. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 174. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 175. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 176. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 177. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 178. Mr. VITTER proposed an amendment to the bill S. 493, supra.

SA 179. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 180. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 181. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 182. Mr. NELSON of Nebraska (for himself, Mr. TESTER, Mr. PRYOR, and Mr. MERKLEY) proposed an amendment to the bill S. 493, supra.

SA 183. Mr. MCCONNELL proposed an amendment to the bill S. 493, supra.

SA 184. Mr. COBURN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 185. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 186. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 187. Mr. PRYOR (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 188. Mr. PRYOR (for himself, Mr. KOHL, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 189. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 190. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 191. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 192. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 193. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, Mr. WEBB, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 493, supra.

SA 194. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 195. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 196. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 197. Mrs. HUTCHISON (for herself, Mr. HATCH, Mr. MORAN, Mr. COCHRAN, Mr. KYL, Ms. MURKOWSKI, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 198. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. VITTER, Ms. MURKOWSKI, Mr. SHELBY, Mr. WICKER, Mr. COCHRAN, and Mr. WEBB) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 199. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 200. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 201. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 202. Mr. ENSIGN (for himself, Ms. MURKOWSKI, Mr. MCCAIN, Mr. MORAN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 203. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 204. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 205. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 206. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 207. Mr. SANDERS (for himself, Mr. BROWN of Ohio, Mrs. BOXER, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 208. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 209. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 210. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 211. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 212. Mr. BROWN of Massachusetts (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 213. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 214. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 215. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 216. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 217. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 218. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 219. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 220. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 221. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 222. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 223. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 224. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 225. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 226. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 227. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 228. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 170. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike line 11 and all that follows through page 51, line 15.

SA 171. Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike line 20 and all that follows through page 47, line 22, and insert the following:

SEC. 201. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REDESIGNATION.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating sections 43, 44, and 45 as sections 44, 45, and 46 respectively;

(2) in section 37(d) (15 U.S.C. 657i(d)), by striking ''section 43'' and inserting ''section 44'';

(3) in section 40(d) (15 U.S.C. 657l(d), by striking ''section 43'' and inserting ''section 44''; and

(4) in section 41(b) (15 U.S.C. 657m(b)), by striking ''section 43'' and inserting ''section 44''.

(b) SECTION 205.—The amendments made by section 205(b) of this Act shall have no force or effect.

(c) PROSPECTIVE REPEAL OF THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by section 205(a) of this Act;

(2) by redesignating sections 44, 45, and 46, as redesignated by subsection (a)(1) of this subsection, as sections 43, 44, and 45, respectively;

(3) in section 37(d) (15 U.S.C. 657i(d)), by striking ''section 44'' and inserting ''section 43'';

(4) in section 40(d) (15 U.S.C. 657l(d), by striking ''section 44'' and inserting ''section 43''; and

(5) in section 41(b) (15 U.S.C. 657m(b)), by striking ''section 44'' and inserting ''section 43''.

SA 172. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. PROHIBITION ON ADDITIONAL FEDERAL FUNDING.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(nn) ELIGIBILITY REQUIREMENTS.—

''(1) DEFINITION.—In this subsection, the term 'earmark'—

''(A) means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district; and

''(B) does not include a provision or report language that—

''(i) is specifically authorized by an appropriate congressional authorizing committee of jurisdiction;

''(ii) meets funding eligibility criteria established by an appropriate congressional authorizing committee of jurisdiction by statute; or

''(iii) is awarded through a statutory or administrative formula-driven or competitive award process.

''(2) ELIGIBILITY FOR SBIR AND STTR AWARDS.—A Federal agency may not make an award under the SBIR program or STTR program of the Federal agency to a small business concern that receives—

''(A) a Federal grant (other than an award under an SBIR program or STTR program); or

''(B) Federal funding as a result of an earmark.

''(3) PROHIBITION ON RECEIPT OF FEDERAL GRANTS.—A small business concern carrying out activities funded using an award under an SBIR program or STTR program may not—

''(A) apply for or receive a Federal grant (other than an award under an SBIR program or STTR program); or

''(B) receive Federal funding as a result of an earmark.''.

SA 173. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 1, strike ''2019'' and insert ''2013''.

On page 4, line 9, strike ''2019'' and insert ''2013''.

On page 42, line 15, strike ''2016'' and insert ''2013''.

On page 42, line 18, strike ''2016'' and insert ''2013''.

On page 42, line 24, strike ''2016'' and insert ''2013''.

On page 46, strike lines 14 through 18 and insert the following:

(1) $1,000,000 for fiscal year 2012; and

(2) $1,000,000 for fiscal year 2013.

On page 54, line 8, strike ''2014'' and insert ''2013''.

SA 174. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. _____. RESCINDING ARRA FUNDING.

(a) IN GENERAL.—There are rescinded all unobligated balances remaining available as of the date of enactment of this section, of the discretionary appropriations provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(b) OVERSIGHT.—Subsection (a) shall not apply to funds appropriated or otherwise made available to Offices of Inspector General and the Recovery Act Accountability and Transparency Board by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(c) SIGNAGE.—Effective on the date of enactment of this section and thereafter, no Federal agency administering funds provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) may provide funding or reimbursement to any entity awarded funds from such Act for the cost associated with physical signage or other advertisement indicating that a project is funded by such Act.

SA 175. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5____. WATER QUALITY STANDARDS.

None of the funds made available by this Act or any other provision of law may be used to implement, administer, or enforce the final rule of the Environmental Protection Agency entitled ''Water Quality Standards for the State of Florida's Lakes and Flowing Waters'' (75 Fed. Reg. 75762 (December 6, 2010)).

SA 176. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. _____. BUDGET OF THE UNITED STATES GOVERNMENT.

(a) PROHIBITION ON PRINTING THE BUDGET OF THE UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—Chapter 13 of title 44, United States Code, is amended by adding at the end the following:

''§ 1345. Prohibition on printing of the budget of the United States Government

''The Government Printing Office shall not print the budget of the United States Government described under section 1105 of title 31, United States Code.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 44, United States Code, is amended by adding after the item relating to section 1344 the following:

''Sec. 1345. Prohibition on printing of the budget of the United States Government.''.

(b) ELECTRONIC AVAILABILITY.—The Office of Management and Budget shall make the budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, available—

(1) to the public on the website of the Office of Management and Budget; and

(2) in a format which enables the budget to be downloaded and printed by users of the website.

SA 177. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. TERMINATION OF NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) TERMINATION.—

(1) IN GENERAL.—The National Veterans Business Development Corporation is hereby terminated.

(2) WINDING-UP.—The Board of Directors of the National Veterans Business Development Corporation shall take such actions as are necessary and appropriate to wind up the affairs of the Corporation as soon as practicable after the date of the enactment of this Act.

(b) CONFORMING REPEAL.—Section 33 of the Small Business Act (15 U.S.C. 657c) is repealed.

SA 178. Mr. VITTER proposed an amendment to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; as follows:

At the end, add the following:

SEC. _____. SALE OF EXCESS FEDERAL PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''§ 621. Definitions

''In this subchapter:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) LANDHOLDING AGENCY.—The term 'landholding agency' means a landholding agency (as defined in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i))).

''(3) REAL PROPERTY.—

''(A) IN GENERAL.—The term 'real property' means—

''(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

''(I) excess;

''(II) surplus;

''(III) underperforming; or

''(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

''(ii) a building or other structure located on real property described in clause (i).

''(B) EXCLUSION.—The term 'real property' excludes any parcel of real property, and any building or other structure located on real property, that is to be closed or realigned under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note; Public Law 100–526).

''§ 622. Disposal program

''(a) IN GENERAL.—Except as provided in subsection (e), the Director shall, by sale or auction, dispose of a quantity of real property with an aggregate value of not less than $15,000,000,000 that, as determined by the Director, is not being used, and will not be used, to meet the needs of the Federal Government for the period of fiscal years 2010 through 2015.

''(b) RECOMMENDATIONS.—The head of each landholding agency shall recommend to the Director real property for disposal under subsection (a).

''(c) SELECTION OF PROPERTIES.—After receiving recommendations of candidate real property under subsection (b), the Director—

''(1) with the concurrence of the head of each landholding agency, may select the real property for disposal under subsection (a); and

''(2) shall notify the recommending landholding agency head of the selection of the real property.

''(d) WEBSITE.—The Director shall ensure that all real properties selected for disposal under this section are listed on a website that shall—

''(1) be updated routinely; and

''(2) include the functionality to allow any member of the public, at the option of the member, to receive updates of the list through electronic mail.

''(e) TRANSFER OF PROPERTY.—The Director may transfer real property selected for disposal under this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development determines that the real property is suitable for use in assisting the homeless.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''Sec. 621. Definitions.

''Sec. 622. Disposal program.''.

SA 179. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 501, add the following:

(d) SUNSET.—Effective on the date that is 5 years after the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by this section, is amended—

(1) in subsection (g)—

(A) in paragraph (3)—

(i) by striking ''applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'' and inserting ''broad research topics and to topics that further 1 or more critical technologies''; and

(ii) in subparagraph (A), by adding ''or'' at the end;

(iii) in subparagraph (B), by striking the semicolon at the end and inserting a period; and

(iv) by striking subsections (C), (D), (E), and (F); and

(B) by striking paragraph (13);

(2) in subsection (o)—

(A) in paragraph (3)—

(i) by striking ''applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'' and inserting ''broad research topics and to topics that further 1 or more critical technologies''; and

(ii) in subparagraph (A), by adding ''or'' at the end;

(iii) in subparagraph (B), by striking the semicolon at the end and inserting a period; and

(iv) by striking subsections (C), (D), (E), and (F);

(B) in paragraph (15), by adding ''and'' at the end;

(C) in paragraph (16), by striking ''; and'' and inserting a period; and

(D) by striking paragraph (17); and

(3) in subsection (x)—

(A) by adding at the end the following:

''(3) UTILIZATION OF PLANS.—The criteria and procedures described in paragraph (1) shall be developed through the use of the most current versions of the following plans:

''(A) The Joint Warfighting Science and Technology Plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note).

''(B) The Defense Technology Area Plan of the Department of Defense.

''(C) The Basic Research Plan of the Department of Defense.''.

SA 180. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of Energy to make grants to State or local governments under the Weatherization and Intergovernmental Program.

SA 181. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. _____. DOMESTIC AIR TRAVEL RESTRICTIONS FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

''§ 5711. Domestic air travel restriction

''(a) In this section, the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, but does not include the Trust Territory of the Pacific Islands.

''(b) An employee may only be reimbursed for the actual and necessary expenses of official air travel within the United States if that travel is coach-class.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

''5711. Domestic air travel restriction.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to travel taken on or after that date.

SA 182. Mr. NELSON of Nebraska (for himself, Mr. TESTER, Mr. PRYOR, and Mr. MERKLEY) proposed an amendment to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; as follows:

At the appropriate place, insert the following:

It is the sense of the Senate that it supports reducing its budget by at least 5 percent. The Senate has made the findings that:

Finding that, Congress must pursue comprehensive deficit reduction,

Finding that, the nation is deeply involved in military action on two fronts,

Finding that, Admiral Mullen has noted the most significant threat to national security is the national debt,

Finding that, the nation is in fragile recovery from an economic downturn that has spanned two administrations,

Finding that, the offices and agencies that serve Members of Congress must be reduced along with the rest of the budget,

Finding that, in order to address the Nation's fiscal crisis, the Senate should lead by example and reduce its own legislative budget,

It is the sense of the Senate, that it should lead by example and reduce the budget of the Senate by at least 5 percent.

SA 183. Mr. MCCONNELL proposed an amendment to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; as follows:

At the end, add the following:

TITLE VI—ENERGY TAX PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Energy Tax Prevention Act of 2011''.

SEC. 602. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) IN GENERAL.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Nothwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action to Ensure Authority to Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 603. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

SA 184. Mr. COBURN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ___. REQUIREMENT TO IDENTIFY AND DESCRIBE PROGRAMS.

(a) Each fiscal year, the head of each Federal agency shall—

(1) identify and describe every program administered by the agency, including the mission, goals, purpose, budget, and statutory authority of each program;

(2) report the list and description of programs to the Office of Management and Budget, Congress, and the U.S. Government Accountability Office; and

(3) post the list and description of programs on the agency's public website.

(b) Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this section.

(c) This section shall be implemented beginning in the first full fiscal year occurring after the date of the enactment of this Act.

SA 185. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVED TRANSPARENCY.

The Secretary of Health and Human Services shall publish on the Internet website of the Department of Health ad Human Services any application submitted by any entity

for a waiver from any requirement of the Patient Protection and Affordable Care Act (and the amendments made by that Act).

SA 186. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ____—UNITED STATES AUTHORIZATION AND SUNSET COMMISSION ACT OF 2011

SEC. __01. SHORT TITLE.

This title may be cited as the ''United States Authorization and Sunset Commission Act of 2011''.

SEC. __02. DEFINITIONS.

In this title—

(1) the term ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code;

(2) the term ''Commission'' means the United States Authorization and Sunset Commission established under section __03; and

(3) the term ''Commission Schedule and Review bill'' means the proposed legislation submitted to Congress under section __04(b).

SEC. __03. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of eight members (in this title referred to as the ''members''), as follows:

(1) Four members appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), four shall be members of the Senate (not more than two of whom may be of the same political party).

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), four shall be members of the House of Representatives, not more than two of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this title, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 6 years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), two members shall be appointed to serve a term of 3 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 3 years of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this title, five or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this title—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this title.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized on a reimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2041.

SEC. __04. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this title and at least once every 10 years thereafter, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of agencies and programs (in this section referred to as the ''Commission Schedule and Review bill'').

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission's review and proposed abolishment of—

(A) at least 25 percent of unauthorized agencies or programs as measured in dollars, including those identified by the Congressional Budget Office under section 602(e)(3) of title 2, United States Code; and

(B) at least 25 percent of the agencies and programs with duplicative goals and activities within Departments and government-wide as measured in dollars identified by the Comptroller General of the Government Accountability Office under section 21 of the Statutory Pay-As-You-Go Act of 2010 (P. L. 111-139; 31 U.S.C. 712 note).

(3) REVIEW OF AGENCIES.—In determining the schedule for review and abolishment of agencies under paragraph (1), the Commission shall provide that any agency that performs similar or related functions be reviewed concurrently.

(4) CRITERIA AND REVIEW.—The Commission shall review each agency and program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program or agency.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program or agency.

(D) Whether the program or agency has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program or agency.

(E) Ways the agency or program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of agencies or programs would better enable the Federal Government to accomplish its missions and goals.

(G) The promptness and effectiveness of an agency in handling complaints and requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(H) The extent that the agency encourages and uses public participation when making rules and decisions.

(I) The record of the agency in complying with requirements for equal employment opportunity, the rights and privacy of individuals, and purchasing products from historically underutilized businesses.

(J) The extent to which the program or agency duplicates or conflicts with other Federal agencies, State or local government, or the private sector and if consolidation or streamlining into a single agency or program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this title and at least once every 10 years thereafter, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of agencies and programs; and

(B) abolishes any agency or program 2 years after the date the Commission completes its review of the agency or program, unless the agency or program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section __06.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this title, the Commission shall submit to Congress and the President—

(A) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each agency and program to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(B) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs and agencies to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(C) legislative provisions necessary to implement the Commission's proposal and recommendations.

(2) ADDITIONAL REPORTS.—The Commission shall submit to Congress and the President additional reports as prescribed under paragraph (1) on or before June 30 of every other year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program or agency.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than five members of the Commission.

SEC. __05. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section __04(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on final passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(A) the bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the bill of the other House.

Upon disposition of a bill that is received by one House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon final passage of a bill that results in a disagreement between the two Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferrees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. __06. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section __04(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Budget and the Committee on Oversight and Government Reform of the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on final passage of the Commission Schedule and Review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by one House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 187. Mr. PRYOR (for himself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. ANGEL INVESTMENT TAX CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30E. ANGEL INVESTMENT TAX CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the qualified equity investments made by a qualified investor during the taxable year.

''(b) QUALIFIED EQUITY INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified equity investment' means any equity investment in a qualified small business entity if—

''(A) such investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash, and

''(B) such investment is designated for purposes of this section by the qualified small business entity.

''(2) EQUITY INVESTMENT.—The term 'equity investment' means—

''(A) any form of equity, including a general or limited partnership interest, common stock, preferred stock (other than nonqualified preferred stock as defined in section 351(g)(2)), with or without voting rights, without regard to seniority position and whether or not convertible into common stock or any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion, and

''(B) any capital interest in an entity which is a partnership.

''(3) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this subsection.

''(c) QUALIFIED SMALL BUSINESS ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified small business entity' means any domestic corporation or partnership if such corporation or partnership—

''(A) is a small business (as defined in section 41(b)(3)(D)(iii)),

''(B) has its headquarters in the United States,

''(C) is engaged in a high technology trade or business related to—

''(i) advanced materials, nanotechnology, or precision manufacturing,

''(ii) aerospace, aeronautics, or defense,

''(iii) biotechnology or pharmaceuticals,

''(iv) electronics, semiconductors, software, or computer technology,

''(v) energy, environment, or clean technologies,

''(vi) forest products or agriculture,

''(vii) information technology, communication technology, digital media, or photonics,

''(viii) life sciences or medical sciences,

''(ix) marine technology or aquaculture,

''(x) transportation, or

''(xi) any other high technology trade or business as determined by the Secretary,

''(D) has been in existence for less than 5 years as of the date of the qualified equity investment,

''(E) employs less than 100 full-time equivalent employees as of the date of such investment,

''(F) has more than 50 percent of the employees performing substantially all of their services in the United States as of the date of such investment, and

''(G) has equity investments designated for purposes of this paragraph.

''(2) DESIGNATION OF EQUITY INVESTMENTS.—For purposes of paragraph (1)(G), an equity investment shall not be treated as designated if such designation would result in the aggregate amount which may be taken into account under this section with respect to equity investments in such corporation or partnership exceeds—

''(A) $10,000,000, taking into account the total amount of all qualified equity investments made by all taxpayers for the taxable year and all preceding taxable years,

''(B) $2,000,000, taking into account the total amount of all qualified equity investments made by all taxpayers for such taxable year, and

''(C) $1,000,000, taking into account the total amount of all qualified equity investments made by the taxpayer for such taxable year.

''(d) QUALIFIED INVESTOR.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified investor' means an accredited investor, as defined by the Securities and Exchange Commission, investor network, or investor fund who review new or proposed businesses for potential investment.

''(2) INVESTOR NETWORK.—The term 'investor network' means a group of accredited investors organized for the sole purpose of making qualified equity investments.

''(3) INVESTOR FUND.—

''(A) IN GENERAL.—The term 'investor fund' means a corporation that for the applicable taxable year is treated as an S corporation or a general partnership, limited partnership, limited liability partnership, trust, or limited liability company and which for the applicable taxable year is not taxed as a corporation.

''(B) ALLOCATION OF CREDIT.—

''(i) IN GENERAL.—Except as provided in clause (ii), the credit allowed under subsection (a) shall be allocated to the shareholders or partners of the investor fund in proportion to their ownership interest or as specified in the fund's organizational documents, except that tax-exempt investors shall be allowed to transfer their interest to investors within the fund in exchange for future financial consideration.

''(ii) SINGLE MEMBER LIMITED LIABILITY COMPANY.—If the investor fund is a single member limited liability company that is disregarded as an entity separate from its owner, the credit allowed under subsection (a) may be claimed by such limited liability company's owner, if such owner is a person subject to the tax under this title.

''(4) EXCLUSION.—The term 'qualified investor' does not include—

''(A) a person controlling at least 50 percent of the qualified small business entity,

''(B) an employee of such entity, or

''(C) any bank, bank and trust company, insurance company, trust company, national bank, savings association or building and loan association for activities that are a part of its normal course of business.

''(e) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DESIGNATED.—

''(1) IN GENERAL.—There is an angel investment tax credit limitation of $500,000,000 for each of calendar years 2011 through 2015.

''(2) ALLOCATION OF LIMITATION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified small business entities selected by the Secretary.

''(3) CARRYOVER OF UNUSED LIMITATION.—If the angel investment tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2020.

''(f) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Except as provided in paragraph (2), the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—In the case of an individual who elects the application of this paragraph, for purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subpart A for any taxable year (determined after application of paragraph (1)) by reason of subparagraph (A) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section) and section 27 for the taxable year.

''(C) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) by reason of subparagraph (A) exceeds the limitation imposed by section 26(a)(1) or subparagraph (B), whichever is applicable, for such taxable year, reduced by the sum of the credits allowable under subpart A (other than this section) for such taxable year, such excess shall be carried to each of the succeeding 20 taxable years to the extent that such unused credit may not be taken into account under subsection (a) by reason of subparagraph (A) for a prior taxable year because of such limitation.

''(g) SPECIAL RULES.—

''(1) RELATED PARTIES.—For purposes of this section—

''(A) IN GENERAL.—All related persons shall be treated as 1 person.

''(B) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b).

''(2) BASIS.—For purposes of this subtitle, the basis of any investment with respect to which a credit is allowable under this section shall be reduced by the amount of such credit so allowed. This subsection shall not apply for purposes of sections 1202, 1397B, and 1400B.

''(3) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified equity investment which is held by the taxpayer less

than 3 years, except that no benefit shall be recaptured in the case of—

''(A) transfer of such investment by reason of the death of the taxpayer,

''(B) transfer between spouses,

''(C) transfer incident to the divorce (as defined in section 1041) of such taxpayer, or

''(D) a transaction to which section 381(a) applies (relating to certain acquisitions of the assets of one corporation by another corporation).

''(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

''(1) which prevent the abuse of the purposes of this section,

''(2) which impose appropriate reporting requirements, and

''(3) which apply the provisions of this section to newly formed entities.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (35), by striking ''plus'';

(2) in paragraph (36), by striking the period at the end and inserting '', plus''; and

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

''(37) the portion of the angel investment tax credit to which section 30E(f)(1) applies.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by inserting after paragraph (37) the following new paragraph:

''(38) to the extent provided in section 30E(g)(2).''.

(2) Section 24(b)(3)(B) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(3) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''30E,'' after ''30D,''.

(4) Section 25A(i)(5)(B) of such Code is amended by striking ''and 30D'' and inserting '', 30D, and 30E''.

(5) Section 25A(i)(5) of such Code is amended by inserting ''30E,'' after ''30D,''.

(6) Section 25B(g)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(7) Section 26(a)(1) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(8) Section 30(c)(2)(B)(ii) of such Code is amended by striking ''and 30D'' and inserting '', 30D, and 30E''.

(9) Section 30B(g)(2)(B)(ii) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(10) Section 30D(d)(2)(B)(ii) of such Code is amended by striking ''and 25D'' and inserting '', 25D, and 30E''.

(11) Section 904(i) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(12) Section 1400C(d)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 30E. Angel investment tax credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to investments made after December 31, 2010, in taxable years ending after such date.

(f) REGULATIONS ON ALLOCATION OF NATIONAL LIMITATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall prescribe regulations which specify—

(1) how small business entities shall apply for an allocation under section 30E(e)(2) of the Internal Revenue Code of 1986, as added by this section,

(2) the competitive procedure through which such allocations are made,

(3) the criteria for determining an allocation to a small business entity, including—

(A) whether the small business entity is located in a State that is historically underserved by angel investors and venture capital investors,

(B) whether the small business entity has received an angel investment tax credit, or its equivalent, from the State in which the small business entity is located and registered,

(C) whether small business entities in low-, medium-, and high-population density States are receiving allocations, and

(D) whether the small business entity has been awarded a Small Business Innovative Research or Small Business Technology Transfer grant from a Federal agency,

(4) the actions that such Secretary or delegate shall take to ensure that such allocations are properly made to qualified small business entities, and

(5) the actions that such Secretary or delegate shall take to ensure that angel investment tax credits are allocated and issued to the taxpayer.

(g) AUDIT AND REPORT.—Not later than January 31, 2014, the Comptroller General of the United States, pursuant to an audit of the angel investment tax credit program established under section 30E of the Internal Revenue Code of 1986 (as added by subsection (a)), shall report to Congress on such program, including all qualified small business entities that receive an allocation of an angel investment credit under such section.

(h) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $5,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

SA 188. Mr. PRYOR (for himself, Mr. KOHL, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. ESTABLISHMENT OF SMALL BUSINESS SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 408A the following new section:

''SEC. 408B. SMALL BUSINESS SAVINGS ACCOUNTS.

''(a) GENERAL RULE.—Except as provided in this section, a Small Business Savings Account shall be treated for purposes of this title in the same manner as an individual retirement plan.

''(b) SMALL BUSINESS SAVINGS ACCOUNT.—For purposes of this title, the term 'Small Business Savings Account' means a tax preferred savings plan which is designated at the time of establishment of the plan as a Small Business Savings Account. Such designation shall be made in such manner as the Secretary may prescribe.

''(c) TREATMENT OF CONTRIBUTIONS.—

''(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to a Small Business Savings Account.

''(2) CONTRIBUTION LIMIT.—

''(A) IN GENERAL.—The aggregate amount of contributions for any taxable year to all Small Business Savings Accounts maintained for the benefit of an individual shall not exceed $10,000.

''(B) AGGREGATE LIMITATION.—The aggregate of the amounts which may be taken into account under subparagraph (A) for all taxable years with respect to all Small Business Savings Accounts maintained for the benefit of an individual shall not exceed $150,000.

''(C) COST OF LIVING ADJUSTMENT.—The Secretary shall adjust annually the $10,000 amount in subparagraph (A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period shall be the calendar quarter beginning July 1, 2011, and any increase which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.

''(3) CONTRIBUTIONS PERMITTED AFTER AGE 70½.—Contributions to a Small Business Savings Account may be made even after the individual for whom the account is maintained has attained age 70½.

''(4) ROLLOVERS FROM RETIREMENT PLANS NOT ALLOWED.—A taxpayer shall not be allowed to make a qualified rollover contribution to a Small Business Savings Account from any qualified retirement plan (as defined in section 4974(c)).

''(d) DISTRIBUTION RULES.—For purposes of this title—

''(1) GENERAL RULES.—

''(A) LIMITATIONS ON DISTRIBUTIONS.—All qualified distributions from a Small Business Savings Account—

''(i) shall be limited to a single business, and

''(ii) must be disbursed not later than the last day of the 5th taxable year beginning after the initial disbursement.

''(B) EXCLUSIONS FROM GROSS INCOME.—Any qualified distribution from a Small Business Savings Account shall not be includible in gross income.

''(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term 'qualified distribution' means any payment or distribution made for operating capital, the purchase of equipment or facilities, marketing, training, incorporation, and accounting fees.

''(3) NONQUALIFIED DISTRIBUTIONS.—

''(A) IN GENERAL.—In applying section 72 to any distribution from a Small Business Savings Account which is not a qualified distribution, such distribution shall be treated as made from contributions to the Small Business Savings Account to the extent that such distribution, when added to all previous distributions from the Small Business Savings Account, does not exceed the aggregate amount of contributions to the Small Business Savings Account.

''(B) TREATMENT OF AMOUNTS REMAINING IN ACCOUNT.—Any remaining amount in a Small Business Savings Account following the date described in paragraph (1)(A)(ii) shall be treated as distributed during the taxable year following such date and such distribution shall not be treated as a qualified distribution.

''(4) ROLLOVERS TO A ROTH IRA.—Subject to the application of the treatment of contributions in section 408A(c), distributions from a Small Business Savings Account may be rolled over into a Roth IRA.''.

(b) EXCESS CONTRIBUTIONS.—Section 4973 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) EXCESS CONTRIBUTIONS TO SMALL BUSINESS SAVINGS ACCOUNTS.—For purposes of this section, in the case of contributions to all Small Business Savings Accounts (within the meaning of section 408B(b)) maintained for the benefit of an individual, the term 'excess contributions' means the sum of—

''(1) the excess (if any) of—

''(A) the amount contributed to such accounts for the taxable year, over

''(B) the amount allowable as a contribution under section 408B(c)(2) for such taxable year, and

''(2) the amount determined under this subsection for the preceding taxable year, reduced by the sum of—

''(A) the distributions out of the accounts for the taxable year, and

''(B) the excess (if any) of—

''(i) the maximum amount allowable as a contribution under section 408B(c)(2) for such taxable year, over

''(ii) the amount contributed to such accounts for such taxable year.''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 408A the following new item:

''Sec. 408B. Small Business Savings Accounts.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 505. REDUCTION OF GOVERNMENT PRINTING COSTS.

(a) STRATEGY AND GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the Executive departments and independent establishments, as those terms are defined in chapter 1 of title 5, United States Code—

(1) to develop a strategy to reduce Government printing costs during the 10-year period beginning on September 1, 2011; and

(2) to issue Government-wide guidelines for printing that implements the strategy developed under paragraph (1).

(b) CONSIDERATIONS.—

(1) IN GENERAL.—In developing the strategy under subsection (a)(1), the Director of the Office of Management and Budget and the heads of the Executive departments and independent establishments shall consider guidelines for—

(A) duplex and color printing;

(B) the use of digital file systems by Executive departments and independent establishments; and

(C) determining which Government publications might be made available on Government Web sites instead of being printed.

(2) ESSENTIAL PRINTED DOCUMENTS.—The Director of the Office of Management and Budget shall ensure that printed versions of documents that the Director determines are essential to individuals—

(A) who are entitled to or enrolled for benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(B) who are enrolled for benefits under part B of such title;

(C) who receive old-age survivors' or disability insurance payments under title II of such Act (42 U.S.C. 401 et seq.), or

(D) who have limited ability to use or access the Internet,

are available after the issuance of the guidelines under subsection (a)(2).

SA 189. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, after line 23, add the following:

SEC. 2___. INITIATIVE TO PUBLICIZE THE SBIR PROGRAMS AND STTR PROGRAMS TO VETERANS.

The Administrator, in consultation with the Secretary of Veterans Affairs, shall develop an initiative—

(1) to publicize the SBIR programs and STTR programs of the Federal agencies to veterans recently separated from service in the Armed Forces; and

(2) to encourage veterans with applicable technical skills to apply for awards under the SBIR programs and STTR programs of the Federal agencies.

SA 190. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROVIDING EXPLANATIONS TO UNSUCCESSFUL APPLICANTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(nn) PROVIDING EXPLANATIONS TO UNSUCCESSFUL APPLICANTS.—Each Federal agency required to carry out an SBIR program or STTR program shall—

''(1) include in each solicitation relating to a contract awarded under the SBIR program or STTR program a notice in plain language stating that a small business concern that responds to the solicitation and is not awarded the contract may request from the Federal agency an explanation of the reasons the small business concern was not awarded the contract; and

''(2) upon request, provide to a small business concern an explanation of the reasons the small business concern was not awarded a contract under the SBIR program or STTR program.''.

SA 191. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3___. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) NOTIFICATION REQUIREMENT.—

''(A) IN GENERAL.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall—

''(i) notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer; and

''(ii) include with the offer a written acknowledgment by the small business concern that the small business concern has received the notice required under clause (i).

''(B) PENALTIES.—If an offeror fails to notify a small business concern under subparagraph (A)(i), the head of the Federal agency that let the contract described in subparagraph (A) shall—

''(i) for the first such failure by the offeror, fine the offeror, in an amount equal to 20 percent of the value of the contract;

''(ii) for the second such failure by the offeror—

''(I) fine the offeror, in an amount equal to 50 percent of the value of the contract; and

''(II) debar the offeror from contracting with the United States for a period of 1 year; and

''(iii) for the third such failure by the offeror, debar the offeror from contracting with the United States.

''(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

SA 192. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. _____. MINORITY BUSINESS DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) HISTORICALLY DISADVANTAGED INDIVIDUAL.—The term ''historically disadvantaged individual'' means any individual who is a member of a group that is designated as eligible to receive assistance under section 1400.1 of title 15, Code of Federal Regulations, as in effect on January 1, 2009.

(2) PRINCIPAL.—The term ''principal'' means any person that the Director determines exercises significant control over the regular operations of a business entity.

(b) PROGRAM REQUIRED.—The Director of the Minority Business Development Agency shall establish the Minority Business Development Program (in this section referred to as the ''Program'') to assist qualified minority businesses. The Program shall provide contract procurement assistance to such businesses.

(c) QUALIFIED MINORITY BUSINESS.—

(1) CERTIFICATION.—For purposes of the Program, the Director may certify as a qualified minority business any entity that satisfies each of the following:

(A) Not less than 51 percent of the entity is directly and unconditionally owned or controlled by historically disadvantaged individuals.

(B) Each officer or other individual who exercises control over the regular operations of the entity is a historically disadvantaged individual.

(C) The net worth of each principal of the entity is not greater than $2,000,000. (The equity of a disadvantaged owner in a primary personal residence shall be considered in this calculation.)

(D) The principal place of business of the entity is in the United States.

(E) Each principal of the entity maintains good character in the determination of the Director.

(F) The entity engages in competitive and bona fide commercial business operations in not less than one sector of industry that has

a North American Industry Classification System code.

(G) The entity submits reports to the Director at such time, in such form, and containing such information as the Director may require.

(H) Any additional requirements that the Director determines appropriate.

(2) TERM OF CERTIFICATION.—A certification under this subsection shall be for a term of 5 years and may not be renewed.

(d) SET-ASIDE CONTRACTING OPPORTUNITIES.—

(1) IN GENERAL.—The Director may enter into agreements with the United States Government and any department, agency, or officer thereof having procurement powers for purposes of providing for the fulfillment of procurement contracts and providing opportunities for qualified minority businesses with regard to such contracts.

(2) QUALIFICATIONS ON PARTICIPATION.—The Director shall by rule establish requirements for participation under this section by a qualified minority business in a contract.

(3) ANNUAL LIMIT ON NUMBER OF CONTRACTS PER QUALIFIED MINORITY BUSINESS.—A qualified minority business may not participate under this section in contracts in an amount that exceeds $10,000,000 for goods and services each fiscal year.

(4) LIMITS ON CONTRACT AMOUNTS.—

(A) GOODS AND SERVICES.—Except as provided in subparagraph (B), a contract for goods and services under this subsection may not exceed $6,000,000.

(B) MANUFACTURING AND CONSTRUCTION.—A contract for manufacturing and construction services under this subsection may not exceed $10,000,000.

(e) TERMINATION FROM THE PROGRAM.—The Director may terminate a qualified minority business from the Program for any violation of a requirement of subsections (c) and (d) by that qualified minority business, including the following:

(1) Conduct by a principal of the qualified minority business that indicates a lack of business integrity.

(2) Willful failure to comply with applicable labor standards and obligations.

(3) Consistent failure to tender adequate performance with regard to contracts under the Program.

(4) Failure to obtain and maintain relevant certifications.

(5) Failure to pay outstanding obligations owed to the Federal Government.

SA 193. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, Mr. WEBB, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; as follows:

At the end of title V, add the following:

SEC. 504. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), as amended by section 201(b)(3) of this Act, by striking ''section 34(d)'' and inserting ''section 33(d)'';

(C) in section 9(s), as added by section 201(a) of this Act—

(i) by striking ''section 34'' each place it appears and inserting ''section 33'';

(ii) in paragraph (1)(E), by striking ''section 34(e)'' and inserting ''section 33(e)''; and

(iii) in paragraph (7)(B), by striking ''section 34(d)'' and inserting ''section 33(d)'';

(D) in section 35(d) (15 U.S.C. 657i(d)), as so redesignated and as amended by section 201(b)(5), by striking ''section 42'' and inserting ''section 41'';

(E) in section 38(d) (15 U.S.C. 657l(d)), as so redesignated and as amended by section 201(b)(6) of this Act, by striking ''section 42'' and inserting ''section 41''; and

(F) in section 39(b) (15 U.S.C. 657m(b)), as so redesignated and as amended by section 201(b)(7) of this Act, by striking ''section 42'' and inserting ''section 41''.

(2) THIS ACT.—

(A) IN GENERAL.—The amendments made by section 205(b) of this Act shall have no force or effect.

(B) PROSPECTIVE REPEAL OF THE SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(i) by striking section 42, as added by section 205(a) of this Act and redesignated by paragraph (1)(A) of this subsection; and

(ii) by redesignating sections 43 and 44, as redesignated by paragraph (1)(A) of this subsection, as sections 42 and 43, respectively.

(3) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking ''In cooperation with the National Veterans Business Development Corporation, develop'' and inserting ''Develop''.

(4) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking ''and the National Veterans Business Development Corporation''.

(5) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking ''any of the'' and all that follows and inserting ''any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).''.

SA 194. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. AGENCY ASSESSMENT OF SIGNIFICANT REGULATORY ACTIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget;

(2) the term ''agency'' has the same meaning as in section 3502(1) of title 44, United States Code;

(3) the term ''disseminated''—

(A) means prepared by an agency and distributed to the public or regulated entities; and

(B) does not include—

(i) distribution limited to Federal Government employees;

(ii) intra- or interagency use or sharing of Federal Government information; and

(iii) responses to requests for agency records under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), section 552a of title 5, United States Code, (commonly referred to as the ''Privacy Act''), the Federal Advisory Committee Act (5 U.S.C. App.), or other similar laws;

(4) the term ''guidance document'' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

(5) the term ''regulation'' means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency;

(6) the term ''regulatory action'' means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking;

(7) the term ''significant guidance document''—

(A) means a guidance document disseminated to regulated entities or the general public that may reasonably be anticipated to—

(i) lead to an annual effect on the economy of $ 100,000,000 or more or affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raise novel legal or policy issues arising out of legal mandates and the priorities, principles, and provisions of this section; and

(B) does not include—

(i) legal advisory opinions for internal Executive Branch use and not for release (such as Department of Justice Office of Legal Counsel opinions);

(ii) briefs and other positions taken by agencies in investigations, pre-litigation, litigation, or other enforcement proceedings;

(iii) speeches;

(iv) editorials;

(v) media interviews;

(vi) press materials;

(vii) congressional correspondence;

(viii) guidance documents that pertain to a military or foreign affairs function of the United States (other than guidance on procurement or the import or export of non-defense articles and services);

(ix) grant solicitations;

(x) warning letters;

(xi) case or investigatory letters responding to complaints involving fact-specific determinations;

(xii) purely internal agency policies;

(xiii) guidance documents that pertain to the use, operation or control of a government facility;

(xiv) internal guidance documents directed solely to other agencies; and

(xv) any other category of significant guidance documents exempted by an agency head in consultation with the Administrator; and

(8) the term ''significant regulatory action'' means any regulatory action that is likely to result in a regulation that may—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in

a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues arising out of legal mandates and the priorities, principles, and provisions of this section.

(b) AGENCY ASSESSMENT OF SIGNIFICANT REGULATORY ACTIONS.—For each significant regulatory action, each agency shall submit, at such times specified by the Administrator, a report to the Office of Information and Regulatory Affairs that includes—

(1) an assessment, including the underlying analysis, of benefits anticipated from the significant regulatory action, such as—

(A) the promotion of the efficient functioning of the economy and private markets;

(B) the enhancement of health and safety;

(C) the protection of the natural environment; and

(D) the elimination or reduction of discrimination or bias;

(2) to the extent feasible, a quantification of the benefits assessed under paragraph (1);

(3) an assessment, including the underlying analysis, of costs anticipated from the regulatory action, such as—

(A) the direct cost both to the Federal Government in administering the significant regulatory action and to businesses, consumers, and others (including State, local, and tribal officials) in complying with the regulation; and

(B) any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, the natural environment, job creation, the prices of consumer goods, and energy costs;

(4) to the extent feasible, a quantification of the costs assessed under paragraph (3); and

(5) an assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the planned significant regulatory action, identified by the agency or the public (including improving the current regulation and reasonably viable nonregulatory actions), and an explanation why the planned regulatory action is preferable to the identified potential alternatives.

SA 195. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. REDUCTION OR WAIVER OF CIVIL PENALTIES IMPOSED ON SMALL ENTITIES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"§ 613. Reduction or waiver of civil penalties imposed on small entities

''(a) Upon the request of a small entity, a Regional Advocate of the Office of Advocacy of the Small Business Administration (referred to in this section as a 'Regional Advocate') shall submit to an agency a request that the agency reduce or waive a civil penalty imposed on the small entity, if the Regional Advocate determines that—

''(1) the civil penalty was the result of a first-time violation by the small entity of a requirement to report information to the agency; and

''(2) the reduction or waiver is consistent with the conditions and exclusions described in paragraphs (1), (3), (4), (5), and (6) of section 223(b) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121; 110 Stat. 862).

''(b) Not later than 60 days after the receipt of a request from a Regional Advocate under subsection (a), an agency shall send written notice of the decision of the agency with respect to the request, together with the reasons for the decision, to the Regional Advocate that made the request and the relevant small entity.

''(c) The Chief Counsel for Advocacy shall submit to Congress an annual report summarizing—

''(1) the requests received by the Regional Advocates from small entities under subsection (a); and

''(2) the requests submitted by the Regional Advocates to agencies under subsection (a) and the results of the requests.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''613. Reduction or waiver of civil penalties imposed on small entities.''.

SA 196. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. REGULATORY REFORM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget;

(2) the term ''agency'' has the same meaning as in section 3502(1) of title 44, United States Code;

(3) the term ''economically significant guidance document'' means a significant guidance document that may reasonably be anticipated to lead to an annual effect on the economy of $ 100,000,000 or more or adversely affect in a material way the economy or a sector of the economy, except that economically significant guidance documents do not include guidance documents on Federal expenditures and receipts;

(4) the term ''disseminated''—

(A) means prepared by an agency and distributed to the public or regulated entities; and

(B) does not include—

(i) distribution limited to Federal Government employees;

(ii) intra- or interagency use or sharing of Federal Government information; and

(iii) responses to requests for agency records under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), section 552a of title 5, United States Code, (commonly referred to as the ''Privacy Act''), the Federal Advisory Committee Act (5 U.S.C. App.), or other similar laws;

(5) the term ''guidance document'' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

(6) the term ''regulation'' means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency;

(7) the term ''regulatory action'' means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking;

(8) the term ''significant guidance document''—

(A) means a guidance document disseminated to regulated entities or the general public that may reasonably be anticipated to—

(i) lead to an annual effect on the economy of $ 100,000,000 or more or affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raise novel legal or policy issues arising out of legal mandates and the priorities, principles, and provisions of this section; and

(B) does not include—

(i) legal advisory opinions for internal Executive Branch use and not for release (such as Department of Justice Office of Legal Counsel opinions);

(ii) briefs and other positions taken by agencies in investigations, pre-litigation, litigation, or other enforcement proceedings;

(iii) speeches;

(iv) editorials;

(v) media interviews;

(vi) press materials;

(vii) congressional correspondence;

(viii) guidance documents that pertain to a military or foreign affairs function of the United States (other than guidance on procurement or the import or export of non-defense articles and services);

(ix) grant solicitations;

(x) warning letters;

(xi) case or investigatory letters responding to complaints involving fact-specific determinations;

(xii) purely internal agency policies;

(xiii) guidance documents that pertain to the use, operation or control of a government facility;

(xiv) internal guidance documents directed solely to other agencies; and

(xv) any other category of significant guidance documents exempted by an agency head in consultation with the Administrator; and

(9) the term ''significant regulatory action'' means any regulatory action that is likely to result in a regulation that may—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues arising out of legal mandates and the priorities, principles, and provisions of this section.

(b) AGENCY ASSESSMENT OF SIGNIFICANT REGULATORY ACTIONS.—For each significant regulatory action, each agency shall submit,

at such times specified by the Administrator, a report to the Office of Information and Regulatory Affairs that includes—

(1) an assessment, including the underlying analysis, of benefits anticipated from the significant regulatory action, such as—

(A) the promotion of the efficient functioning of the economy and private markets;

(B) the enhancement of health and safety;

(C) the protection of the natural environment; and

(D) the elimination or reduction of discrimination or bias;

(2) to the extent feasible, a quantification of the benefits assessed under paragraph (1);

(3) an assessment, including the underlying analysis, of costs anticipated from the regulatory action, such as—

(A) the direct cost both to the Federal Government in administering the significant regulatory action and to businesses, consumers, and others (including State, local, and tribal officials) in complying with the regulation; and

(B) any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, the natural environment, job creation, the prices of consumer goods, and energy costs;

(4) to the extent feasible, a quantification of the costs assessed under paragraph (3); and

(5) an assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the planned significant regulatory action, identified by the agency or the public (including improving the current regulation and reasonably viable nonregulatory actions), and an explanation why the planned regulatory action is preferable to the identified potential alternatives.

(c) AGENCY GOOD GUIDANCE PRACTICES.—

(1) AGENCY STANDARDS FOR SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) APPROVAL PROCEDURES.—

(i) IN GENERAL.—Each agency shall develop or have written procedures for the approval of significant guidance documents, which shall ensure that the issuance of significant guidance documents is approved by appropriate senior agency officials.

(ii) REQUIREMENT.—Employees of an agency may not depart from significant guidance documents without appropriate justification and supervisory concurrence.

(B) STANDARD ELEMENTS.—Each significant guidance document—

(i) shall—

(I) include the term ''guidance'' or its functional equivalent;

(II) identify the agency or office issuing the document;

(III) identify the activity to which and the persons to whom the significant guidance document applies;

(IV) include the date of issuance;

(V) note if the significant guidance document is a revision to a previously issued guidance document and, if so, identify the document that the significant guidance document replaces;

(VI) provide the title of the document and a document identification number; and

(VII) include the citation to the statutory provision or regulation (in Code of Federal Regulations format) which the significant guidance document applies to or interprets; and

(ii) shall not include mandatory terms such as ''shall'', ''must'', ''required'', or ''requirement'' unless—

(I) the agency is using those terms to describe a statutory or regulatory requirement; or

(II) the terminology is addressed to agency staff and will not foreclose agency consideration of positions advanced by affected private parties.

(2) PUBLIC ACCESS AND FEEDBACK FOR SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) INTERNET ACCESS.—

(i) IN GENERAL.—Each agency shall—

(I) maintain on the website for the agency, or as a link on the website of the agency to the electronic list posted on a website of a component of the agency a list of the significant guidance documents in effect of the agency, including a link to the text of each significant guidance document that is in effect; and

(II) not later than 30 days after the date on which a significant guidance document is issued, update the list described in clause (i).

(ii) LIST REQUIREMENTS.—The list described in subparagraph (A)(i) shall—

(I) include the name of each—

(aa) significant guidance document;

(bb) document identification number; and

(cc) issuance and revision dates; and

(II) identify significant guidance documents that have been added, revised, or withdrawn in the preceding year.

(B) PUBLIC FEEDBACK.—

(i) IN GENERAL.—Each agency shall establish and clearly advertise on the website for the agency a means for the public to electronically submit—

(I) comments on significant guidance documents; and

(II) a request for issuance, reconsideration, modification, or rescission of significant guidance documents.

(ii) AGENCY RESPONSE.—Any comments or requests submitted under subparagraph (A)—

(I) are for the benefit of the agency; and

(II) shall not require a formal response from the agency.

(iii) OFFICE FOR PUBLIC COMMENTS.—

(I) IN GENERAL.—Each agency shall designate an office to receive and address complaints from the public relating to—

(aa) the failure of the agency to follow the procedures described in this section; or

(bb) the failure to treat a significant guidance document as a binding requirement.

(II) WEBSITE.—The agency shall provide, on the website of the agency, the name and contact information for the office designated under clause (i).

(3) NOTICE AND PUBLIC COMMENT FOR ECONOMICALLY SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), in preparing a draft of an economically significant guidance document, and before issuance of the final significant guidance document, each agency shall—

(i) publish a notice in the Federal Register announcing that the draft document is available;

(ii) post the draft document on the Internet and make a tangible copy of that document publicly available (or notify the public how the public can review the guidance document if the document is not in a format that permits such electronic posting with reasonable efforts);

(iii) invite public comment on the draft document; and

(iv) prepare and post on the website of the agency a document with responses of the agency to public comments.

(B) EXCEPTIONS.—In consultation with the Administrator, an agency head may identify a particular economically significant guidance document or category of such documents for which the procedures of this subsection are not feasible or appropriate.

(4) EMERGENCIES.—

(A) IN GENERAL.—In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify the Administrator as soon as possible and, to the extent practicable, comply with this subsection.

(B) SIGNIFICANT GUIDANCE DOCUMENTS SUBJECT TO STATUTORY OR COURT-IMPOSED DEADLINE.—For a significant guidance document that is governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule the proceedings of the agency to permit sufficient time to comply with this subsection.

(5) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this Act.

SA 197. Mrs. HUTCHISON (for herself, Mr. HATCH, Mr. MORAN, Mr. COCHRAN, Mr. KYL, Ms. MURKOWSKI, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. EFFECTIVE DATE OF PPACA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), including the amendments made by such Acts, that are not in effect on the date of enactment of this Act shall not be in effect until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

(b) PROMULGATION OF REGULATIONS.—Notwithstanding any other provision of law, the Federal Government shall not promulgate regulations under the Patient Protection and Affordable Care Act (Public Law 111–148) or the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), including the amendments made by such Acts, or otherwise prepare to implement such Acts (or amendments made by such Acts), until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

SA 198. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. VITTER, Ms. MURKOWSKI, Mr. SHELBY, Mr. WICKER, Mr. COCHRAN, and Mr. WEBB) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5_____. EXTENSION OF CERTAIN OUTER CONTINENTAL SHELF LEASES.

(a) DEFINITION OF COVERED LEASE.—In this section, the term ''covered lease'' means each oil and gas lease for the Gulf of Mexico outer Continental Shelf region issued under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) that was—

(1) not producing as of April 30, 2010; or

(2) suspended from operations, permit processing, or consideration, in accordance with the moratorium set forth in the Minerals Management Service Notice to Lessees and Operators No. 2010–N04, dated May 30, 2010, or the decision memorandum of the Secretary of the Interior entitled ''Decision memorandum regarding the suspension of certain

offshore permitting and drilling activities on the Outer Continental Shelf'' and dated July 12, 2010.

(b) EXTENSION OF COVERED LEASES.—The Secretary of the Interior shall extend the term of a covered lease by 1 year.

(c) EFFECT ON SUSPENSIONS OF OPERATIONS OR PRODUCTION.—The extension of covered leases under this Act is in addition to any suspension of operations or suspension of production granted by the Minerals Management Service or Bureau of Ocean Energy Management, Regulation and Enforcement after May 1, 2010.

SA 199. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—CUT FEDERAL SPENDING ACT OF 2011

SEC. __01. SHORT TITLE AND DEFINITION.

(a) SHORT TITLE.—This title may be cited as the ''Cut Federal Spending Act of 2011''.

(b) DEFUND.—In this Act, the term ''defund'' with respect to an agency or program means—

(1) all unobligated balances of the discretionary appropriations, including any appropriations under this Act, made available to the agency or program are rescinded; and

(2) any statute authorizing the funding or activities of the agency or program is deemed to be repealed.

SEC. __02. LEGISLATIVE BRANCH.

Amounts made available for fiscal year 2011 for the legislative branch are reduced by $654,000,000.

SEC. __03. JUDICIAL BRANCH.

Amounts made available to the judicial branch for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $155,000,000.

SEC. __04. AGRICULTURE.

Amounts made available to the Department of Agriculture for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $1,427,000,000.

SEC. __05. COMMERCE.

Amounts made available to the Department of Commerce for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $2,700,000,000.

SEC. __06. DEFENSE.

Amounts made available to the Department of Defense for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $30,000,000,000.

SEC. __07. EDUCATION.

Amounts made available to the Department of Education for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $46,258,000,000, except for the Pell grant program which shall be capped at $17,000,000,000.

SEC. __08. ENERGY.

Amounts made available to the Department of Energy for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $9,602,000,000.

SEC. __09. HEALTH AND HUMAN SERVICES.

Amounts made available to the Department of Health and Human Services for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $26,510,000,000.

SEC. __10. HOMELAND SECURITY.

Amounts made available to the Department of Homeland Security for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $4,603,000,000.

SEC. __11. HOUSING AND URBAN DEVELOPMENT.

Amounts made available to the Department of Housing and Urban Development for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $22,000,000,000.

SEC. __12. INTERIOR.

Amounts made available to the Department of the Interior for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $1,808,000,000.

SEC. __13. JUSTICE.

Amounts made available to the Department of Justice for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $4,811,000,000.

SEC. __14. LABOR.

Amounts made available to the Department of Labor for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $3,260,000,000.

SEC. __15. STATE.

Amounts made available to the Department of State for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $8,216,000,000.

SEC. __16. INTERNATIONAL ASSISTANCE.

International assistance programs are defunded effective on the date of enactment of this Act.

SEC. __17. TRANSPORTATION.

Amounts made available to the Department of Transportation for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $14,724,000,000.

SEC. __18. VETERANS' AFFAIRS.

The Department of Veterans' Affairs shall not be subject to funding cuts in fiscal year 2011.

SEC. __19. CORPS OF ENGINEERS.

Amounts made available to the Corps of Engineers for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $4,135,000,000.

SEC. __20. ENVIRONMENTAL PROTECTION AGENCY.

Amounts made available to the Environmental Protection Agency for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $3,506,000,000.

SEC. __21. GENERAL SERVICES ADMINISTRATION.

Amounts made available to the General Services Administration for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $1,140,000,000.

SEC. __22. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

Amounts made available to the National Aeronautics and Space Administration for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $480,000,000.

SEC. __22. NATIONAL SCIENCE FOUNDATION.

Amounts made available to the National Science Foundation for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $1,733,000,000.

SEC. __23. OFFICE OF PERSONNEL MANAGEMENT.

Amounts made available to the Office of Personnel Management for fiscal year 2011 are reduced on a pro rata basis by the amount required to bring total reduction to $133,000,000.

SEC. __24. SOCIAL SECURITY ADMINISTRATION.

The Social Security Administration shall not be subject to funding cuts in fiscal year 2011.

SEC. __25. REPEAL OF INDEPENDENT AGENCIES.

The following agencies are defunded effective on the date of enactment of this Act:

(1) Affordable Housing Program.

(2) Commission on Fine Arts.

(3) Consumer Product Safety Commission.

(4) Corporation for Public Broadcasting.

(5) National Endowment for the Arts.

(6) National Endowment for the Humanities.

(7) State Justice Institute.

SA 200. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. REDUCTION OF FEDERAL PELL GRANT FUNDING.

Notwithstanding any other provision of law, the amount appropriated for Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for fiscal year 2011 shall equal the amount appropriated for Federal Pell Grants for fiscal year 2009.

SA 201. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENTS WITH RESPECT TO GRANTING WAIVERS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall—

(1) publish detailed criteria used by the Secretary to determine approval of an application submitted by a group health plan, health insurance issuer, employer, State, municipality, or other entity eligible for a waiver, adjustment, or other compliance relief provided for under the authority of the Patient Protection and Affordable Care Act (Public Law 111–148) or the Health Care and Education Reconciliation Act (Public Law 111–152), including—

(A) how much of a significant decrease in benefits with respect to a health insurance plan or health insurance coverage would need to occur in order have such a waiver application approved by the Secretary; and

(B) how much of a significant increase in premiums with respect to a health insurance plan or health insurance coverage would need to occur to have such a waiver application approved by the Secretary;

(2) publish on the Internet website of the Department of Health and Human Services each application for a waiver described in paragraph (1); and

(3) publish on the Internet website of the Department of Health and Human Services the determination of the Secretary whether to approve or reject such application, and the reason for such approval or rejection.

(b) PROTECTION OF PROPRIETARY INFORMATION.—In carrying out subsection (a), the Secretary shall ensure the confidentiality of proprietary information of each applicant.

(c) PROHIBITION OF PREFERENTIAL TREATMENT.—In no case, during any stage of the application process for an application described in subsection (a)(1), shall preferential

treatment be given to an applicant based on political contributions or association with a labor union, a health plan provided for under a collective bargaining agreement, or another organized labor group.

SA 202. Mr. ENSIGN (for himself, Ms. MURKOWSKI, Mr. MCCAIN, Mr. MORAN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ___—CASTING LIGHT ON EAJA AGENCY RECORDS FOR OVERSIGHT ACT OF 2011

SEC. __01. SHORT TITLE.

This title may be cited as the ''Casting Light on EAJA Agency Records for Oversight Act of 2011''.

SEC. __02. FINDINGS.

The Congress finds the following:

(1) The Equal Access to Justice Act, established in 1980 to provide small businesses, individuals, and public interest groups the opportunity to recover attorney fees and costs, is funded through a permanent Congressional appropriation.

(2) The Equal Access to Justice Act, as passed, includes statutory reporting requirements to Congress on the administration and payments funded through the Act.

(3) The Department of Justice and the Administrative Conference of the United States ceased reporting to Congress on EAJA payments and administration in 1995.

(4) Payments authorized by EAJA have continued every year without Congressional oversight.

SEC. __03. DATA COMPILATION, REPORTING, AND PUBLIC ACCESS.

(a) REPORTING IN AGENCY ADJUDICATIONS.—Section 504(c) of title 5, United States Code, is amended—

(1) in subsection (c)(1), by striking ''After consultation with the Chairman of the Administrative Conference of the United States, each'' and inserting ''Each''; and

(2) by striking subsection (e) and inserting the following:

''(e)(1) The Attorney General of the United States shall issue an annual, online report to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year under this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, a justification for awards exceeding the cap provided in subsection (b)(1)(A), and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online, and contain a searchable database, total awards given, and total number of applications for the award of fees and other expenses that were filed, defended, and heard, and shall include, with respect to each such application, the following:

''(A) Name of the party seeking the award of fees and other expenses.

''(B) The agency to which the application for the award was made.

''(C) The name of administrative law judges in the case.

''(D) The disposition of the application, including any appeal of action taken on the application.

''(E) The hourly rates of attorneys and expert witnesses stated in the application that was awarded.

''(2) The report under paragraph (1) shall cover payments of fees and other expenses under this section that are made under a settlement agreement.

''(3) Each agency shall provide the Attorney General with such information as is necessary for the Attorney General to comply with the requirements of this subsection.''.

(b) REPORTING IN COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by inserting after paragraph (4), the following:

''(5) The Attorney General of the United States shall issue an annual, online report to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year under this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, a justification for awards exceeding the cap provided in paragraph (2)(A)(ii), and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. The report shall be made available to the public online and shall contain a searchable database of total awards given and the total number of cases filed, defended, or heard, and shall include with respect to each such case the following:

''(A) The name of the party seeking the award of fees and other expenses in the case.

''(B) The district court hearing the case.

''(C) The names of presiding judges in the case.

''(D) The name of the agency involved in the case.

''(E) The disposition of the application for fees and other expenses, including any appeal of action taken on the application.

''(F) The hourly rates of attorneys and expert witnesses stated in the application that was awarded.

The report under this paragraph shall cover payments of fees and other expenses under this subsection that are made under a settlement agreement.''.

SEC. __04. GAO STUDY.

Not later than 30 days after the date of enactment of this Act, the Comptroller General shall commence an audit of the Equal Access to Justice Act for the years 1995 through the end of the calendar year in which this Act is enacted. The Comptroller General shall, not later than 1 year after the end of the calendar year in which this Act is enacted, complete such audit and submit to the Congress a report on the results of the audit.

SA 203. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. PROHIBITION ON FUNDING FOR TITLE X OF THE PUBLIC HEALTH SERVICE ACT.

Notwithstanding any other provision of law, no Federal funds may be used to carry out the program under title X of the Public Health Service Act (42 U.S.C. 300 et seq.) to provide for voluntary family planning projects. All unobligated balances of the discretionary appropriations made available for such purpose as of the date of enactment of this Act are rescinded.

SA 204. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2009.''.

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9014. TERMINATION.

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.''.

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury, to be used only for reducing the deficit.''.

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9043. TERMINATION.

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9014. Termination.''.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''.

SA 205. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PARTICIPATION BY COOPERATIVE GROCERIES.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(36) COOPERATIVE GROCERIES.—

''(A) DEFINITION.—In this paragraph, the term 'cooperative grocery' means a business concern organized as a cooperative that—

''(i) is owned by not fewer than 150 and not more than 20,000 individuals—

''(I) that are customers or employees of the business concern; and

''(II) no 1 of which owns more than 1 share of the business concern;

''(ii) distributes any portion of the profits of the business concern to the owners of the cooperative; and

''(iii) operates a physical storefront selling a variety of fruits, vegetables, and dairy products.

''(B) ELIGIBILITY.—Notwithstanding section 120.110 of title 13, Code of Federal Regulations, for purposes of this subsection, a cooperative grocery shall be deemed to be a small business concern.''.

(b) TECHNICAL AMENDMENT.—Section 1133(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 636 note) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) by redesignating paragraph (36), as added by the SBIR/STTR Reauthorization Act of 2011, as paragraph (35).''.

SA 206. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

In title V, insert the following:

SEC. _____. WORKER OWNERSHIP, READINESS, AND KNOWLEDGE.

(a) DEFINITIONS.—In this section:

(1) EXISTING PROGRAM.—The term ''existing program'' means a program, designed to promote employee ownership and employee participation in business decisionmaking, that exists on the date the Secretary is carrying out a responsibility authorized by this section.

(2) INITIATIVE.—The term ''Initiative'' means the Employee Ownership and Participation Initiative established under subsection (b).

(3) NEW PROGRAM.—The term ''new program'' means a program, designed to promote employee ownership and employee participation in business decisionmaking, that does not exist on the date the Secretary is carrying out a responsibility authorized by this section.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Labor, acting through the Assistant Secretary for Employment and Training.

(5) STATE.—The term ''State'' means any of the 50 States within the United States of America.

(b) EMPLOYEE OWNERSHIP AND PARTICIPATION INITIATIVE.—

(1) ESTABLISHMENT.—The Secretary of Labor shall establish within the Employment and Training Administration of the Department of Labor an Employee Ownership and Participation Initiative to promote employee ownership and employee participation in business decisionmaking.

(2) FUNCTIONS.—In carrying out the Initiative, the Secretary shall—

(A) support within the States existing programs designed to promote employee ownership and employee participation in business decisionmaking; and

(B) facilitate within the States the formation of new programs designed to promote employee ownership and employee participation in business decisionmaking.

(3) DUTIES.—To carry out the functions enumerated in paragraph (2), the Secretary shall—

(A) support new programs and existing programs by—

(i) making Federal grants authorized under subsection (d); and

(ii)(I) acting as a clearinghouse on techniques employed by new programs and existing programs within the States, and disseminating information relating to those techniques to the programs; or

(II) funding projects for information gathering on those techniques, and dissemination of that information to the programs, by groups outside the Employment and Training Administration; and

(B) facilitate the formation of new programs, in ways that include holding or funding an annual conference of representatives from States with existing programs, representatives from States developing new programs, and representatives from States without existing programs.

(c) PROGRAMS REGARDING EMPLOYEE OWNERSHIP AND PARTICIPATION.—

(1) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to encourage new and existing programs within the States, designed to foster employee ownership and employee participation in business decisionmaking throughout the United States.

(2) PURPOSE OF PROGRAM.—The purpose of the program established under paragraph (1) is to encourage new and existing programs within the States that focus on—

(A) providing education and outreach to inform employees and employers about the possibilities and benefits of employee ownership, business ownership succession planning, and employee participation in business decisionmaking, including providing information about financial education, employee teams, open-book management, and other tools that enable employees to share ideas and information about how their businesses can succeed;

(B) providing technical assistance to assist employee efforts to become business owners, to enable employers and employees to explore and assess the feasibility of transferring full or partial ownership to employees, and to encourage employees and employers to start new employee-owned businesses;

(C) training employees and employers with respect to methods of employee participation in open-book management, work teams, committees, and other approaches for seeking greater employee input; and

(D) training other entities to apply for funding under this subsection, to establish new programs, and to carry out program activities.

(3) PROGRAM DETAILS.—The Secretary may include, in the program established under paragraph (1), provisions that—

(A) in the case of activities under paragraph (2)(A)—

(i) target key groups such as retiring business owners, senior managers, unions, trade associations, community organizations, and economic development organizations;

(ii) encourage cooperation in the organization of workshops and conferences; and

(iii) prepare and distribute materials concerning employee ownership and participation, and business ownership succession planning;

(B) in the case of activities under paragraph (2)(B)—

(i) provide preliminary technical assistance to employee groups, managers, and retiring owners exploring the possibility of employee ownership;

(ii) provide for the performance of preliminary feasibility assessments;

(iii) assist in the funding of objective third-party feasibility studies and preliminary business valuations, and in selecting and monitoring professionals qualified to conduct such studies; and

(iv) provide a data bank to help employees find legal, financial, and technical advice in connection with business ownership;

(C) in the case of activities under paragraph (2)(C)—

(i) provide for courses on employee participation; and

(ii) provide for the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques; and

(D) in the case of training under paragraph (2)(D)—

(i) provide for visits to existing programs by staff from new programs receiving funding under this section; and

(ii) provide materials to be used for such training.

(4) GUIDANCE.—The Secretary shall issue formal guidance, for recipients of grants awarded under subsection (d) and one-stop partners affiliated with the statewide workforce investment systems described in section 106 of the Workforce Investment Act of 1998 (29 U.S.C. 2881), proposing that programs and other activities funded under this section be—

(A) proactive in encouraging actions and activities that promote employee ownership of, and participation in, businesses; and

(B) comprehensive in emphasizing both employee ownership of, and participation in, businesses so as to increase productivity and broaden capital ownership.

(d) GRANTS.—

(1) IN GENERAL.—In carrying out the program established under subsection (c), the Secretary may make grants for use in connection with new programs and existing programs within a State for any of the following activities:

(A) Education and outreach as provided in subsection (c)(2)(A).

(B) Technical assistance as provided in subsection (c)(2)(B).

(C) Training activities for employees and employers as provided in subsection (c)(2)(C).

(D) Activities facilitating cooperation among employee-owned firms.

(E) Training as provided in subsection (c)(2)(D) for new programs provided by participants in existing programs dedicated to the objectives of this section, except that, for each fiscal year, the amount of the grants made for such training shall not exceed 10 percent of the total amount of the grants made under this section.

(2) AMOUNTS AND CONDITIONS.—The Secretary shall determine the amount and any conditions for a grant made under this subsection. The amount of the grant shall be subject to paragraph (6), and shall reflect the capacity of the applicant for the grant.

(3) APPLICATIONS.—Each entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(4) STATE APPLICATIONS.—Each State may sponsor and submit an application under paragraph (3) on behalf of any local entity consisting of a unit of State or local government, State-supported institution of higher education, or nonprofit organization, meeting the requirements of this section.

(5) APPLICATIONS BY ENTITIES.—

(A) ENTITY APPLICATIONS.—If a State fails to support or establish a program pursuant to this section during any fiscal year, the Secretary shall, in the subsequent fiscal years, allow local entities described in paragraph (4) from that State to make applications for grants under paragraph (3) on their own initiative.

(B) APPLICATION SCREENING.—Any State failing to support or establish a program pursuant to this section during any fiscal year may submit applications under paragraph (3) in the subsequent fiscal years but may not screen applications by local entities described in paragraph (4) before submitting the applications to the Secretary.

(6) LIMITATIONS.—A recipient of a grant made under this subsection shall not receive, during a fiscal year, in the aggregate, more than the following amounts:

(A) For fiscal year 2012, $300,000.

(B) For fiscal year 2013, $330,000.

(C) For fiscal year 2014, $363,000.

(D) For fiscal year 2015, $399,300.

(E) For fiscal year 2016, $439,200.

(7) ANNUAL REPORT.—For each year, each recipient of a grant under this subsection shall submit to the Secretary a report describing how grant funds allocated pursuant to this subsection were expended during the 12-month period preceding the date of the submission of the report.

(e) EVALUATIONS.—The Secretary is authorized to reserve not more than 10 percent of the funds appropriated for a fiscal year to carry out this section, for the purposes of conducting evaluations of the grant programs identified in subsection (d) and to provide related technical assistance.

(f) REPORTING.—Not later than the expiration of the 36-month period following the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report—

(1) on progress related to employee ownership and participation in businesses in the United States; and

(2) containing an analysis of critical costs and benefits of activities carried out under this section.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the purpose of making grants pursuant to subsection (d) the following:

(A) For fiscal year 2012, $3,850,000.

(B) For fiscal year 2013, $6,050,000.

(C) For fiscal year 2014, $8,800,000.

(D) For fiscal year 2015, $11,550,000.

(E) For fiscal year 2016, $14,850,000.

(2) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated for the purpose of funding the administrative expenses related to the Initiative, for each of fiscal years 2012 through 2016, an amount not in excess of—

(A) $350,000; or

(B) 5.0 percent of the maximum amount available under paragraph (1) for that fiscal year.

SA 207. Mr. SANDERS (for himself, Mr. BROWN of Ohio, Mrs. BOXER, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—SOCIAL SECURITY PROTECTION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Social Security Protection Act of 2011''.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) Social Security is the most successful and reliable social program in our Nation's history.

(2) For 75 years, through good times and bad, Social Security has reliably kept millions of senior citizens, individuals with disabilities, and children out of poverty.

(3) Before President Franklin Roosevelt signed the Social Security Act into law on August 14, 1935, approximately half of the senior citizens in the United States lived in poverty; less than 10 percent of seniors live in poverty today.

(4) Social Security has succeeded in protecting working Americans and their families from devastating drops in household income due to lost wages resulting from retirement, disability, or the death of a spouse or parent.

(5) More than 53,000,000 Americans receive Social Security benefits, including 36,500,000 retirees and their spouses, 9,200,000 veterans, 8,200,000 disabled individuals and their spouses, 4,500,000 surviving spouses of deceased workers, and 4,300,000 dependent children.

(6) Social Security has never contributed to the Federal budget deficit or the national debt, and benefit cuts should not be proposed as a solution to reducing the Federal budget deficit.

(7) Social Security is not in a crisis or going bankrupt, as the Social Security Trust Funds have been running surpluses for the last quarter of a century.

(8) According to the Social Security Administration, the Social Security Trust Funds currently maintain a $2,600,000,000,000 surplus that is project to grow to $4,200,000,000,000 by 2023.

(9) According to the Social Security Administration, even if no changes are made to the Social Security program, full benefits will be available to every recipient until 2037, with enough funding remaining after that date to pay about 78 percent of promised benefits.

(10) According to the Social Security Administration, ''money flowing into the [Social Security] trust funds is invested in U.S. Government securities . . . the investments held by the trust funds are backed by the full faith and credit of the U.S. Government. The Government has always repaid Social Security, with interest.''.

(11) All workers who contribute into Social Security through the 12.4 percent payroll tax, which is divided equally between employees and employers on income up to $106,800, deserve to have a dignified and secure retirement.

(12) Social Security provides the majority of income for two-thirds of the elderly population in the United States, with approximately one-third of elderly individuals receiving nearly all of their income from Social Security.

(13) Overall, Social Security benefits for retirees currently average a modest $14,000 a year, with the average for women receiving benefits being less than $12,000 per year.

(14) Nearly 1 out of every 4 adult Social Security beneficiaries has served in the United States military.

(15) Social Security is not solely a retirement program, as it also serves as a disability insurance program for American workers who become permanently disabled and unable to work.

(16) The Social Security Disability Insurance program is a critical lifeline for millions of American workers, as a 20-year-old worker faces a 30 percent chance of becoming disabled before reaching retirement age.

(17) Proposals to privatize the Social Security program would jeopardize the security of millions of Americans by subjecting them to the ups-and-downs of the volatile stock market as the source of their retirement benefits.

(18) Raising the retirement age would jeopardize the retirement future of millions of American workers, particularly those in physically demanding jobs as well as lower-income women, African-Americans, and Latinos, all of whom have a much lower life expectancy than wealthier Americans.

(19) Social Security benefits have already been cut by 13 percent, as the Normal Retirement Age was raised in 1983 from 65 years of age to 67 years of age by 2022.

(20) According to the Social Security Administration, raising the retirement age for future retirees would reduce benefits by 6 to 7 percent for each year that the Normal Retirement Age is raised.

(21) Reducing cost-of-living adjustments for current or future Social Security beneficiaries would force millions of such individuals to choose between heating their homes, putting food on the table, or paying for their prescription drugs.

(22) Social Security is a promise that this Nation cannot afford to break.

SEC. 603. LIMITATION ON CHANGES TO THE SOCIAL SECURITY PROGRAM FOR CURRENT AND FUTURE BENEFICIARIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider, for purposes of the old-age, survivors, and disability insurance benefits program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), any legislation that—

(1) increases the retirement age (as defined in section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1))) or the early retirement age (as defined in section 216(l)(2) of the Social Security Act (42 U.S.C. 416(l)(2))) for individuals receiving benefits under title II of the Social Security Act on or after the date of enactment of this Act;

(2) reduces cost-of-living increases for individuals receiving benefits under title II of the Social Security Act on or after the date of enactment of this Act, as determined under section 215(i) of the Social Security Act (42 U.S.C. 415(i));

(3) reduces benefit payment amounts for individuals receiving benefits under title II of the Social Security Act on or after the date of enactment of this Act; or

(4) creates private retirement accounts for any of the benefits individuals receive under title II of the Social Security Act on or after the date of enactment of this Act.

(b) WAIVER OR SUSPENSION.—

(1) IN THE SENATE.—The provisions of this section may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, present and voting.

(2) IN THE HOUSE.—The provisions of this section may be waived or suspended in the House of Representatives only by a rule or order proposing only to waive such provisions by an affirmative vote of two-thirds of the Members, present and voting.

(c) POINT OF ORDER PROTECTION.—In the House of Representatives, it shall not be in order to consider a rule or order that waives the application of paragraph (2) of subsection (b).

(d) MOTION TO SUSPEND.—It shall not be in order for the Speaker to entertain a motion to suspend the application of this section under clause 1 of rule XV of the Rules of the House of Representatives.

SA 208. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. ITEMIZED FEDERAL TAX RECEIPT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7529. FEDERAL TAX RECEIPT.

''(a) IN GENERAL.—The Secretary shall send to every taxpayer who files an individual income tax return for any taxable year an itemized Federal tax receipt showing a proportionate allocation (in money terms) of the taxpayer's total tax payment for such taxable year among major expenditure categories for the fiscal year ending in such taxable year. The Federal tax receipt shall also include 2 separate line items showing the amount of Federal debt per legal United States resident at the end of such fiscal year, and the amount of additional borrowing per legal United States resident by the Federal Government in such fiscal year.

''(b) TOTAL TAX PAYMENTS.—For purposes of subsection (a), the total tax payment of a taxpayer for any taxable year is equal to the sum of—

''(1) the tax imposed by subtitle A for such taxable year (as shown on such taxpayer's return), plus

''(2) the tax imposed by section 3101 on wages received by such taxpayer during such taxable year.

''(c) DETERMINATION OF PROPORTIONATE ALLOCATION OF TAX PAYMENT AMONG MAJOR EXPENDITURE CATEGORIES.—For purposes of determining a proportionate allocation described in subsection (a), not later than 60 days after the end of any fiscal year, the Director of the Congressional Budget Office shall provide to the Secretary the percentage of Federal outlays for such fiscal year for the following categories and subcategories of Federal spending:

''(1) Social Security.

''(2) National defense.

''(A) Overseas combat operations.

''(3) Medicare.

''(4) Low-income assistance programs.

''(A) Housing assistance.

''(B) Food stamps and other food programs.

''(5) Other Federal health programs.

''(A) Medicaid, Children's Health Insurance Program, and other public health programs.

''(B) National Institutes of Health and other health research and training programs.

''(C) Food and Drug Administration, Consumer Product Safety Commission, and other regulatory health and safety activities.

''(6) Unemployment benefits

''(7) Net interest on the Federal debt.

''(8) Veterans benefits and services.

''(9) Education.

''(A) K-12 and vocational education.

''(B) Higher education.

''(C) Job training and assistance.

''(10) Federal employee retirement and disability benefits.

''(11) Highway, mass transit, and railroad funding.

''(12) Mortgage finance (Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Administration, and other housing finance programs).

''(13) Justice and law enforcement funding, including Federal Bureau of Investigation, Federal courts, and Federal prisons.

''(14) Natural resources, land, and water management and conservation funding, including National Parks.

''(15) Foreign aid.

''(16) Science and technology research and advancement.

''(A) National Aeronautics and Space Administration.

''(17) Air transportation, including Federal Aviation Administration.

''(18) Farm subsidies.

''(19) Energy funding, including renewable energy and efficiency programs, Strategic Petroleum Reserve, and Federal Energy Regulatory Commission.

''(20) Disaster relief and insurance, including Federal Emergency Management Administration.

''(21) Diplomacy and embassies.

''(22) Environmental Protection Agency and pollution control programs.

''(23) Internal Revenue Service and United States Treasury operations.

''(24) Coast Guard and maritime programs.

''(25) Community Development Block Grants.

''(26) Congress and legislative branch activities.

''(27) United States Postal Service.

''(28) Executive Office of the President.

''(29) Other Federal spending.

''(d) ADDITIONAL MAJOR EXPENDITURE CATEGORIES.—With respect to each fiscal year, the Director of the Congressional Budget Office shall include additional categories and subcategories of Federal spending for purposes of subsection (c), but only if, and only for so long as, each such additional category or subcategory exceeds 3 percent of total Federal outlays for the fiscal year.

''(e) TIMING OF FEDERAL TAX RECEIPT.—A Federal tax receipt shall be made available to each taxpayer as soon as practicable upon the processing of that taxpayer's income tax return by the Internal Revenue Service.

''(f) USE OF TECHNOLOGIES.—The Internal Revenue Service is encouraged to utilize modern technologies such as electronic mail and the Internet to minimize the cost of sending Federal tax receipts to taxpayers. The Internal Revenue Service shall establish an interactive program on its Internet website to allow taxpayers to generate Federal tax receipts on their own.

''(g) COST.—No charge shall be imposed to cover any cost associated with the production or distribution of the Federal tax receipt.

''(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7529. Federal tax receipt.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 505. REDUCTION OF GOVERNMENT PRINTING COSTS.

(a) STRATEGY AND GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the Executive departments and independent establishments, as those terms are defined in chapter 1 of title 5, United States Code—

(1) to develop a strategy to reduce Government printing costs during the 10-year period beginning on September 1, 2011; and

(2) to issue Government-wide guidelines for printing that implements the strategy developed under paragraph (1).

(b) CONSIDERATIONS.—

(1) IN GENERAL.—In developing the strategy under subsection (a)(1), the Director of the Office of Management and Budget and the heads of the Executive departments and independent establishments shall consider guidelines for—

(A) duplex and color printing;

(B) the use of digital file systems by Executive departments and independent establishments; and

(C) determining which Government publications might be made available on Government Web sites instead of being printed.

(2) ESSENTIAL PRINTED DOCUMENTS.—The Director of the Office of Management and Budget shall ensure that printed versions of documents that the Director determines are essential to individuals—

(A) who are entitled to or enrolled for benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(B) who are enrolled for benefits under part B of such title;

(C) who receive old-age survivors' or disability insurance payments under title II of such Act (42 U.S.C. 401 et seq.), or

(D) who have limited ability to use or access the Internet,

are available after the issuance of the guidelines under subsection (a)(2).

SA 209. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. ITEMIZED FEDERAL TAX RECEIPT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7529. FEDERAL TAX RECEIPT.

''(a) IN GENERAL.—The Secretary shall send to every taxpayer who files an individual income tax return for any taxable year an itemized Federal tax receipt showing a proportionate allocation (in money terms) of the taxpayer's total tax payment for such taxable year among major expenditure categories for the fiscal year ending in such taxable year. The Federal tax receipt shall also include 2 separate line items showing the amount of Federal debt per legal United States resident at the end of such fiscal year, and the amount of additional borrowing per legal United States resident by the Federal Government in such fiscal year.

''(b) TOTAL TAX PAYMENTS.—For purposes of subsection (a), the total tax payment of a taxpayer for any taxable year is equal to the sum of—

''(1) the tax imposed by subtitle A for such taxable year (as shown on such taxpayer's return), plus

''(2) the tax imposed by section 3101 on wages received by such taxpayer during such taxable year.

''(c) DETERMINATION OF PROPORTIONATE ALLOCATION OF TAX PAYMENT AMONG MAJOR EXPENDITURE CATEGORIES.—For purposes of determining a proportionate allocation described in subsection (a), not later than 60 days after the end of any fiscal year, the Director of the Congressional Budget Office shall provide to the Secretary the percentage of Federal outlays for such fiscal year for the following categories and subcategories of Federal spending:

''(1) Social Security.

''(2) National defense.

''(A) Overseas combat operations.

''(3) Medicare.

''(4) Low-income assistance programs.

''(A) Housing assistance.

''(B) Food stamps and other food programs.

''(5) Other Federal health programs.

''(A) Medicaid, Children's Health Insurance Program, and other public health programs.

''(B) National Institutes of Health and other health research and training programs.

''(C) Food and Drug Administration, Consumer Product Safety Commission, and other regulatory health and safety activities.

''(6) Unemployment benefits

''(7) Net interest on the Federal debt.

''(8) Veterans benefits and services.

''(9) Education.

''(A) K-12 and vocational education.

''(B) Higher education.

''(C) Job training and assistance.

''(10) Federal employee retirement and disability benefits.

''(11) Highway, mass transit, and railroad funding.

''(12) Mortgage finance (Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Administration, and other housing finance programs).

''(13) Justice and law enforcement funding, including Federal Bureau of Investigation, Federal courts, and Federal prisons.

''(14) Natural resources, land, and water management and conservation funding, including National Parks.

''(15) Foreign aid.

''(16) Science and technology research and advancement.

''(A) National Aeronautics and Space Administration.

''(17) Air transportation, including Federal Aviation Administration.

''(18) Farm subsidies.

''(19) Energy funding, including renewable energy and efficiency programs, Strategic Petroleum Reserve, and Federal Energy Regulatory Commission.

''(20) Disaster relief and insurance, including Federal Emergency Management Administration.

''(21) Diplomacy and embassies.

''(22) Environmental Protection Agency and pollution control programs.

''(23) Internal Revenue Service and United States Treasury operations.

''(24) Coast Guard and maritime programs.

''(25) Community Development Block Grants.

''(26) Congress and legislative branch activities.

''(27) United States Postal Service.

''(28) Executive Office of the President.

''(29) Other Federal spending.

''(d) ADDITIONAL MAJOR EXPENDITURE CATEGORIES.—With respect to each fiscal year, the Director of the Congressional Budget Office shall include additional categories and subcategories of Federal spending for purposes of subsection (c), but only if, and only for so long as, each such additional category or subcategory exceeds 3 percent of total Federal outlays for the fiscal year.

''(e) TIMING OF FEDERAL TAX RECEIPT.—A Federal tax receipt shall be made available to each taxpayer as soon as practicable upon the processing of that taxpayer's income tax return by the Internal Revenue Service.

''(f) USE OF TECHNOLOGIES.—The Internal Revenue Service is encouraged to utilize modern technologies such as electronic mail and the Internet to minimize the cost of sending Federal tax receipts to taxpayers. The Internal Revenue Service shall establish an interactive program on its Internet website to allow taxpayers to generate Federal tax receipts on their own.

''(g) COST.—No charge shall be imposed to cover any cost associated with the production or distribution of the Federal tax receipt.

''(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7529. Federal tax receipt.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 505. REDUCTION OF GOVERNMENT PRINTING COSTS.

(a) STRATEGY AND GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the Executive departments and independent establishments, as those terms are defined in chapter 1 of title 5, United States Code—

(1) to develop a strategy to reduce Government printing costs during the 10-year period beginning on September 1, 2011; and

(2) to issue Government-wide guidelines for printing that implements the strategy developed under paragraph (1).

(b) CONSIDERATIONS.—

(1) IN GENERAL.—In developing the strategy under subsection (a)(1), the Director of the Office of Management and Budget and the heads of the Executive departments and independent establishments shall consider guidelines for—

(A) duplex and color printing;

(B) the use of digital file systems by Executive departments and independent establishments; and

(C) determining which Government publications might be made available on Government Web sites instead of being printed.

(2) ESSENTIAL PRINTED DOCUMENTS.—The Director of the Office of Management and Budget shall ensure that printed versions of documents that the Director determines are essential to individuals—

(A) who are entitled to or enrolled for benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(B) who are enrolled for benefits under part B of such title;

(C) who receive old-age survivors' or disability insurance payments under title II of such Act (42 U.S.C. 401 et seq.), or

(D) who have limited ability to use or access the Internet,

are available after the issuance of the guidelines under subsection (a)(2).

SA 210. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Subsections (a), (b), and (c) of section 1405 of the Health Care and Education Reconciliation Act of 2010, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section and amendments had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $39,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 211. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—SMALL BUSINESS REGULATORY FREEDOM

SEC. __01. SHORT TITLE; TABLE OF CONTENTS.

This title may be cited as the ''Small Business Regulatory Freedom Act of 2011''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals $1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job creation and job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job creation or job loss.

SEC. __03. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect of the rule on small entities; and

''(B) any indirect economic effect on small entities, including potential job creation or job loss, that is reasonably foreseeable and that results from the rule, without regard to whether small entities are directly regulated by the rule.''.

SEC. __04. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''603,'' after ''601,'';

(2) in paragraph (2), by inserting ''603,'' after ''601,'';

(3) by striking paragraph (3) and inserting the following:

''(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

''(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

''(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.''; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking '', and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.''.

SEC. __05. PERIODIC REVIEW AND SUNSET OF EXISTING RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a)(1) Not later than 180 days after the date of enactment of the Small Business Regulatory Freedom Act of 2011, each agency shall establish a plan for the periodic review of—

''(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

''(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

''(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

''(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

''(B) continue in effect without change.

''(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

''(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

''(b)(1) Each plan established under subsection (a) shall provide for—

''(A) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the Small Business Regulatory Freedom Act of 2011—

''(i) not later than 8 years after the date of publication of the plan in the Federal Register; and

''(ii) every 8 years thereafter; and

''(B) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Small Business Regulatory Freedom Act of 2011—

''(i) not later than 8 years after the publication of the final rule in the Federal Register; and

''(ii) every 8 years thereafter.

''(2)(A) If an agency determines that the review of the rules and guides described in paragraph (1)(A) cannot be completed before the date described in paragraph (1)(A)(i), the agency—

''(i) shall publish a statement in the Federal Register certifying that the review cannot be completed; and

''(ii) may extend the period for the review of the rules and guides described in paragraph (1)(A) for a period of not more than 2 years, if the agency publishes notice of the extension in the Federal Register.

''(B) An agency shall transmit to the Chief Counsel for Advocacy of the Small Business Administration and Congress notice of any statement or notice described in subparagraph (A).

''(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints received by the agency from small entities concerning the rule;

''(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

''(4) the complexity of the rule;

''(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

''(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

''(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

''(8) the impact of the rule, including—

''(A) the estimated number of small entities to which the rule will apply;

''(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

''(C) the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including—

''(i) an estimate of the classes of small entities that will be subject to the requirement; and

''(ii) the type of professional skills necessary for preparation of the report or record.

''(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

''(A) Congress; and

''(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

''(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

''(1) a brief description of each rule or guide;

''(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

''(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

''(f)(1) With respect to each agency, not later than 6 months after each date described in subsection (b)(1), the Chief Counsel for Advocacy of the Small Business Administration shall determine whether the agency has completed the review required under subsection (b).

''(2) If, after a review under paragraph (1), the Chief Counsel for Advocacy of the Small Business Administration determines that an agency has failed to complete the review required under subsection (b), each rule issued by the agency that the head of the agency determined under subsection (a) has a significant economic impact on a substantial number of small entities shall immediately cease to have effect.''.

SEC. __06. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ALL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b), by striking ''a covered agency'' each place it appears and inserting ''an agency''; and

(2) in subsection (e)(1), by striking ''the covered agency'' and inserting ''the agency''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 609.—Section 609 of title 5, United States Code, is amended—

(A) by striking subsection (d), as amended by section 1100G(a) of Public Law 111–203 (124 Stat. 2112); and

(B) by redesignating subsection (e) as subsection (d).

(2) SECTION 603.—Section 603(d) of title 5, United States Code, as added by section 1100G(b) of Public Law 111–203 (124 Stat. 2112), is amended—

(A) in paragraph (1), by striking ''a covered agency, as defined in section 609(d)(2)'' and inserting ''the Bureau of Consumer Financial Protection''; and

(B) in paragraph (2), by striking ''A covered agency, as defined in section 609(d)(2),'' and inserting ''The Bureau of Consumer Financial Protection''.

(3) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111–203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking ''a covered agency, as defined in section 609(d)(2)'' and inserting ''the Bureau of Consumer Financial Protection''; and

(ii) by striking ''the agency'' and inserting ''the Bureau''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply on and after the designated transfer date established under section 1062 of Public Law 111–203 (12 U.S.C. 5582).

SEC. __07. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.

Section 601(2) of title 5, United States Code, is amended by inserting after ''public comment'' the following: ''and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)''.

SEC. __08. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking ''but only'' and all that follows through the period at the end and inserting ''but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.''.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 3 of this Act, is amended—

(1) in paragraph (6), by striking ''and'' at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

''(7) the term 'collection of information' has the meaning given that term in section 3502(3) of title 44;

''(8) the term 'recordkeeping requirement' has the meaning given that term in section 3502(13) of title 44; and''.

SEC. __09. MITIGATING PENALTIES ON SMALL ENTITIES.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121; 110 Stat. 862) is amended by adding at the end the following:

''(d) REVIEW OF POLICIES AND PROGRAMS.—

''(1) REVIEW REQUIRED.—Not later than 6 months after the date of enactment of this subsection, and every 2 years thereafter, each agency regulating the activities of small entities shall review the policy or program established by the agency under subsection (a) and make any modifications to the policy or program necessary to comply with the requirements under this section.

''(2) REPORT.—Not later than 6 months after the date of enactment of this subsection, and every 2 years thereafter, each agency described in paragraph (1) shall submit a report on the review and modifications required under paragraph (1) to—

''(A) the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Small Business and the Committee on the Judiciary of the House of Representatives.''.

SEC. __10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by section 1100G(b) of Public Law 111–203 (124 Stat. 2112), is amended—

(1) by striking subsection (b) and inserting the following:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job creation and employment by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.''; and

(2) by adding at the end the following:

''(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

''(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is required—

''(A) a reasonable period before publication of the rule by the agency; and

''(B) in any event, not later than 3 months before the date on which the agency publishes the rule.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting ''detailed'' before ''description'' each place it appears;

(B) in paragraph (2)—

(i) by inserting ''detailed'' before ''statement'' each place it appears; and

(ii) by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis'';

(C) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation''; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111–240; 124 Stat. 2251), by inserting ''detailed'' before ''statement''.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall—

''(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

''(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.''.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking ''statement providing the factual'' and inserting ''detailed statement providing the factual and legal''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job creation or job loss, and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement regarding the potential for job creation or job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.''.

SEC. __11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

''(A) publishing an initial regulatory flexibility analysis for public comment; or

''(B) re-proposing the rule with an initial regulatory flexibility analysis.

''(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

''(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

''(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

''(C) the number of affected small entities for which that cost will be significant.

''(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

''(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

''(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.''.

SEC. __12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.

Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (6) the following:

''(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.''.

SEC. __13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEADING.—Section 605 of title 5, United States Code, is amended in the section heading by striking ''**Avoidance**'' and all that follows and inserting the following: ''**Incorporations by reference and certification.**''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.'';

and

(2) by striking the item relating to section 607 inserting the following:

''607. Quantification requirements.''.

SA 212. Mr. BROWN of Massachusetts (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 213. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. IMPOSITION OF A NO-FLY ZONE AND RECOGNITION OF THE TRANSITIONAL NATIONAL COUNCIL IN LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) Peaceful demonstrations, inspired by similar peaceful demonstrations in Tunisia, Egypt, and elsewhere in the Middle East, began in Libya with calls for greater political reform, opportunity, justice, and the rule of law and quickly spread to cities around the country.

(2) Muammar Qaddafi, his sons, and forces loyal to them have responded to the peaceful demonstrations by authorizing and initiating violence against civilian non-combatants in Libya, including the use of airpower, foreign mercenaries, helicopters, mortar and artillery fire, naval assets, snipers, and soldiers.

(3) In response to Qaddafi's assault on the people of Libya, the imposition of a ''no-fly zone'' in Libya was called for by the Gulf Cooperation Council on March 7, 2011; by the head of the Organization of the Islamic Conference on March 8, 2011; and by the Arab League on March 12, 2011.

(4) The Governments of France and the United Kingdom have drafted a United Nations Security Council Resolution to mandate the imposition of a ''no-fly zone'' in Libya.

(5) The Libyan Transitional National Council was formed in Benghazi, with representation of Libyan leaders from across the country.

(6) On March 10, 2011, the Government of France recognized the Libyan Transitional National Council, based in Benghazi, as the sole legitimate government of Libya and has announced its intention to send an ambassador there.

(7) Despite initial gains, the opposition has been losing ground against Qaddafi's forces, which are currently advancing against the opposition stronghold of Benghazi.

(8) On March 3, 2011, President Barack Obama said, ''Let me just be very unambiguous about this. Colonel Qaddafi needs to step down from power and leave''.

(9) On March 10, 2011, the Director of National Intelligence testified before Congress that, because of Qaddafi's superior military resources, including airpower, and in the absence of outside assistance to the opposition, ''I think [over] the long term that the [Qaddafi] regime will prevail.''

(b) SENSE OF THE SENATE.—The Senate—

(1) applauds the bravery of the Libyan people, who are fighting to secure their universal rights against the violent dictatorship of Muammar Qaddafi;

(2) condemns Muammar Qaddafi, and the forces loyal to him, for using overwhelming and indiscriminate violence, including the use of airpower and foreign mercenaries, against peaceful demonstrators and civilians, which has resulted in gross human rights abuses, grave loss of innocent life, and potentially crimes against humanity;

(3) strongly welcomes the calls for imposing a ''no-fly zone'' in Libya made by the Arab League, the Gulf Cooperation Council, and the Organization of the Islamic Conference;

(4) reiterates that it is the policy of the United States, as stated by President Obama, that Colonel Qaddafi must step down and leave power; and

(5) calls on the President—

(A) to recognize the Libyan Transitional National Council, based in Benghazi but representative of Libyan communities across the country, as the sole legitimate governing authority in Libya;

(B) to take immediate steps to implement a ''no-fly zone'' in Libya with international support; and

(C) to develop and implement a comprehensive strategy to achieve the stated United States policy objective of Qaddafi leaving power.

SA 214. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. _____. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the debt of the United States exceeds $14,000,000,000,000;

(2) it is important for Congress to use all tools at its disposal to address the national debt crisis;

(3) Congress will not earmark funds for projects requested by Members of Congress; and

(4) the earmark ban should be utilized to realize actual savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should reduce spending by the amount resulting from the recently announced earmark moratorium.

SA 215. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—BUSINESS INCUBATOR PROMOTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''EPA Stationary Source Regulations Suspension Act''.

SEC. 602. SUSPENSION OF CERTAIN EPA ACTION.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), until the end of the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not take any action under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any stationary source permitting requirement or any requirement under section 111 of that Act (42 U.S.C. 7411) relating to carbon dioxide or methane.

(b) EXCEPTIONS.—Subsections (a) and (c) shall not apply to—

(1) any action under part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) relating to the vehicle emissions standards;

(2) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(3) any action relating to the provision of technical support at the request of a State.

(c) TREATMENT.—Notwithstanding any other provision of law, no action taken by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (a) (including any action taken before the date of enactment of this Act) shall be considered to make carbon dioxide or methane a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a new motor vehicle or new motor vehicle engine, as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

SA 216. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3___. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) NOTIFICATION REQUIREMENT.—

''(A) IN GENERAL.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall—

''(i) notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer; and

''(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

SA 217. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ___. ELIMINATING THE NATIONAL HISTORIC COVERED BRIDGE PRESERVATION PROGRAM.

(a) REPEAL.—Section 1224 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 225; 112 Stat. 837) is repealed.

(b) FUNDING.—Notwithstanding any other provision of law—

(1) no Federal funds may be expended on or after the date of enactment of this Act for the National Historic Covered Bridge Preservation Program under the section repealed by subsection (a); and

(2) any funds made available for that program that remain unobligated as of the date of enactment of this Act shall be rescinded and returned to the Treasury.

SA 218. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ___. TERMINATING LEFTOVER CONGRESSIONAL EARMARK ACCOUNTS.

(a) IN GENERAL.—Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect.

(b) DEFINITION.—For purposes of this section, the term ''earmark'' means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV.

(c) REDUCTION REQUIRED.—Any funds appropriated in fiscal year 2011 to any program shall be reduced by the total amount of congressional earmarks or congressionally directed spending items contained within a committee report or joint explanatory statement accompanying such an Act that provided appropriations to the program in fiscal year 2010.

(d) RESCISSION.—The amounts reduced by subsection (c) are rescinded and returned to the Treasury.

(e) PRIOR LAW.—Subsections (c) and (d) shall not apply to any programs or accounts that were reduced in the same manner by Public Law 112–4 or any other bill that takes effect prior to date of enactment of this Act.

SA 219. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ___. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP);

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions taken described in subsection (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) $5,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

SA 220. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ___. ELIMINATING THE TAX CREDIT SUBSIDY OF ETHANOL.

(a) ELIMINATION OF EXCISE TAX CREDIT OR PAYMENT.—

(1) Section 6426(b)(6) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''the date of the enactment of the SBIR/STTR Reauthorization Act of 2011)''.

(2) Section 6427(e)(6)(A) of such Code is amended by striking ''December 31, 2011'' and inserting ''the date of the enactment the SBIR/STTR Reauthorization Act of 2011''.

(b) ELIMINATION OF INCOME TAX CREDIT.—The table contained in section 40(h)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2011'' and inserting ''the enactment date of the SBIR/STTR Reauthorization Act of 2011'',

(2) by adding at the end the following: ''After such enactment . . . zero zero''.

(c) REPEAL OF DEADWOOD.—

(1) Section 40(h) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) Section 6426(b)(2) of such Code is amended by striking subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after the date of the enactment of the Act.

SA 221. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC.___ . REDUCING THE NUMBER OF NON-ESSENTIAL NEW VEHICLES PURCHASED AND LEASED BY THE FEDERAL GOVERNMENT.

(a) REDUCTIONS IN NON-ESSENTIAL VEHICLE PURCHASES.—Notwithstanding any other provision of law, the Office of Management and Budget shall coordinate with the heads of the relevant departments and agencies to—

(1) Determine the total dollar amount spent by each department and agency to purchase of civilian and non-tactical vehicles in Fiscal Year 2010;

(2) Determine the total dollar amount spent by each department and agency to lease civilian and non-tactical vehicles in Fiscal Year 2010;

(3) Determine the total number of civilian and non-tactical vehicles purchased by each department and agency in Fiscal Year 2010;

(4) Determine the total number of civilian and non-tactical vehicles leased by each department and agency in Fiscal Year 2010;

(5) Determine the dollar amounts that would be twenty percent less than (1) and (2);

(6) Reduce the dollar amounts spent to purchase and lease civilian and non-tactical vehicles by each department and agency by the dollar amounts identified by (5) in Fiscal Years 2011 and 2012; and

(7) Rescind the amounts identified from (5) from each department and agency in Fiscal Years 2011 and 2012 and return those amounts to the Treasury.

(b) SHARING.—The General Services Administration shall ensure agencies may share excess or unused vehicles with agencies that may need temporary or long term use of additional vehicles through the Federal Fleet Management System.

(c) EXCEPTION.—This moratorium shall not apply to the purchase or procurement of any vehicle deemed essential for defense or security reasons or necessary for other reasons deemed as essential and approved by the director of the Office of Management and Budget.

(d) STUDY.— The Inspector General of each department and agency shall review its respective agencies system for monitoring the use of motor vehicle owned or leased by the Government for non-official use, including a review of the ''written authorizations within the agency'' to monitor the use of motor vehicles in each agencies fleet, as required under 41 C.F.R. §102–34 and report the findings to Congress no later than 180 days after the enactment of this Act.

SA 222. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC.___ . PROHIBITION ON FEDERAL FUNDS FOR CORPORATION FOR PUBLIC BROADCASTING.

(a) IN GENERAL.—Section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by adding at the end the following new subsection:

''Prohibition on Federal Funds After Fiscal Year 2012

''(n) No Federal funds may be made available to the Corporation for Public Broadcasting after fiscal year 2012.''.

(b) CORPORATION PROHIBITED FROM ACCEPTING FEDERAL FUNDS.—Subsection (g) of section 396 of the Communications Act of 1934 (47 U.S.C. 396(g)) is amended—

(1) in paragraph (2)(A), by inserting ''subject to paragraph (3)(C),'' before ''obtain''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) accepting funds from the Federal Government after fiscal year 2012.''.

(c) CONFORMING AMENDMENTS.—Section 396 of the Communications Act of 1934 (47 U.S.C. 396) is further amended—

(1) in subsection (k)(3)(A)(iv)(II), by inserting ''through fiscal year 2012'' after ''amounts received''; and

(2) in subsection (m)—

(A) in paragraph (1), by inserting ''through fiscal year 2012'' after ''every three years thereafter''; and

(B) in paragraph (2), by inserting ''and through fiscal year 2012,'' after ''1989,''.

(d) PARTIAL RESCISSION OF FUNDING FOR CORPORATION FOR PUBLIC BROADCASTING.—

Notwithstanding any other provision of law—

(1) $100,000,000 of the funds made available for fiscal year 2012 under the heading ''Corporation for Public Broadcasting'' in division D of Public Law 111–117 are rescinded; and

(2) a portion of the remaining Federal funds made available under the heading ''Corporation for Public Broadcasting'' under such Act may be used during that fiscal year by the Corporation to wind down its operations.

SA 223. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) in a year to an individual whose resources in the preceding year were equal to or greater than $1,000,000. For purposes of the preceding sentence, with respect to a year, an individual's resources shall be determined in the same manner as a subsidy eligible individual's resources are determined for the year under section 1860D–14(a)(3)(E) of the Social Security Act (42 U.S.C. 1395w–1 14(a)(3)(E)).

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SA 224. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

TITLE VI—PATIENTS' FREEDOM TO CHOOSE

SEC. 601. REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.

Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 602. REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.

Sections 9005 and 10902 of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 1403 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) and the amendments made by such sections are repealed.

SA 225. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. _____. CREDIT REFORM ACT TREATMENT OF THE PURCHASE OF PRIVATE STOCK, EQUITY, OR CAPITAL.

Section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5) is amended by inserting at the end the following:

''(G) The cost of the purchase of stock, equity, capital, or debt instruments, or the option to purchase any such assets, of a private or publicly-traded company or any enterprise under the conservatorship of the Federal Government shall be determined on a fair value basis according to Financial Accounting Standards No. 157 of the Financial Accounting Standards Board.''.

SA 226. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. _____. PAYGO AND TRUST FUNDS.

(a) IN GENERAL.—Any increase in revenues or reduced spending in a Federal trust fund resulting from a bill, amendment, resolution, motion, or conference report shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) only be used for the purposes of the Federal trust as provided by law.

(b) INTERGOVERNMENTAL TRANSFERS.—Nothing in this section shall impact intergovernmental lending from a Federal trust fund to annual government operations.

SA 227. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. _____. EMERGENCY DESIGNATIONS.

Section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139) is amended to read as follows:

''(3) PROCEDURE IN THE SENATE AND VOTE REQUIREMENT.—

''(A) IN GENERAL.—When the Senate is considering a PAYGO Act, any provision making an emergency designation shall be stricken from the measure and may not be offered as an amendment from the floor unless a waiver is offered and agreed to.

''(B) SUPERMAJORITY WAIVER AND APPEALS.—

''(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

''(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

''(C) WAIVER PETITION.—Prior to making a motion to waive under this paragraph, a Senator shall file a petition—

''(i) signed by 16 members requesting the waiver;

''(ii) with a Member of both the majority and minority signing; and

''(iii) stating that the spending is an emergency as described in subparagraph (D).

''(D) EMERGENCY SPENDING.—

''(i) IN GENERAL.—For purposes of this subparagraph, spending is emergency spending if the spending is—

''(I) necessary, essential, or vital (not merely useful or beneficial);

''(II) sudden, quickly coming into being, and not building up over time;

''(III) an urgent, pressing, and compelling need requiring immediate action;

''(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

''(V) not permanent, temporary in nature.

''(ii) UNFORSEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.''.

SA 228. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 9, strike ''2019'' and insert ''2023''.

On page 4, line 17, strike ''2019'' and insert ''2023''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 15, 2011, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 15, 2011, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. LANDRIEU. 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 March 15, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on March 15, 2011, at 10 a.m. in Room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 15, 2011, at 10:15 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Freedom of Information Act: Ensuring Transparency and Accountability in the Digital Age.''

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 15, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 15, 2011, at 2:30 p.m. to conduct a hearing entitled ''Enhancing the President's Authority to Eliminate Wasteful Spending and Reduce the Budget Deficit.''

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

PRIVILEGES OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be granted the privilege of the floor for the duration of the debate: Andrew Fishburn, Eric Roberts, and Cindy Yang.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes its consideration of S. 493 tomorrow, Wednesday, March 16, the Senate proceed to votes in relation to the amendments listed: Nelson of Nebraska No. 182 and Snowe-Landrieu-Coburn No. 193; that there be 2 minutes of debate equally divided prior to each vote; that no amendments be in order to either amendment prior to the votes, and that the motions to reconsider be considered made and laid upon the table with no interviewing action or debate.

Further, I ask that following those votes, the next first-degree amendments in order be the following: Casey No. 216, Cornyn No. 186, Sanders No. 207, Paul No. 199, a Democratic amendment, and Hutchison No. 197.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

CONGRATULATING THE ARMY DENTAL CORPS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. Res. 96 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 96) congratulating the Army Dental Corps on its 100th anniversary.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 96

Whereas, on March 3, 1911, Congress was the first to officially recognize dentistry as a distinct profession by establishing an Army Dental Service with commissioned officers, a seminal event for dentistry as well as for military history;

Whereas dental health is a critical component of military medical readiness;

Whereas, throughout history, the Army Dental Corps has preserved the strength of the Army by minimizing risk for and expediting treatment of dental emergencies;

Whereas the Army Dental Corps works continuously to improve the oral health of soldiers and their families by supporting individual and community prevention initiatives, good oral hygiene practices, and evidence-based treatment;

Whereas the Army Dental Corps endeavors to improve oral health world-wide by participating in the full spectrum of military and peacekeeping operations, serving as dental ambassadors through care rendered to United States and coalition military personnel during combat operations, and local national citizens in humanitarian operations;

Whereas the Army Dental Corps, in collaboration with national and international dental organizations, promotes synergy among all dental professionals;

Whereas the Army Dental Corps supports the mission of the Federal dental research program, and endorses improved dental technologies and therapies through research and adherence to sound scientific principles; and

Whereas the Army Dental Corps recognizes the importance of lifelong pursuit of continuing dental education, and executes this mission through specialty dental education and postgraduate residencies and fellowships for its members: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Army Dental Corps on its 100th anniversary;

(2) commends the Army Dental Corps for its work to improve the dental readiness of the Army, and the oral health of soldiers and their families;

(3) recognizes the thousands of dentists who have served in the Army Dental Corps over the last 100 years, providing dental care to millions of members of the Armed Forces and their families; and

(4) commends the Army Dental Corps for its efforts to keep America's soldiers healthy and the best fighting force in the world.

REAPPOINTMENT OF SHIRLEY ANN JACKSON AS A CITIZEN REGENT OF THE SMITHSONIAN BOARD OF REGENTS

APPOINTMENT OF STEPHEN M. CASE AS A CITIZEN REGENT OF THE SMITHSONIAN BOARD OF REGENTS

REAPPOINTMENT OF ROBERT P. KOGOD AS A CITIZEN REGENT OF THE SMITHSONIAN BOARD OF REGENTS

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 7, 8, and 9, and the Senate proceed to their immediate consideration en bloc; that the joint resolutions be read three times and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The joint resolutions were ordered to a third reading, were read the third time, and passed, as follows:

S.J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Shirley Ann Jackson of New York, is filled by reappointment of the incumbent for a term of 6 years, effective May 6, 2011.

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Phillip Frost of Florida is filled by the appointment of Stephen M. Case of Virginia. The appointment is for a term of 6 years, effective on the date of enactment of this joint resolution.

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Robert P. Kogod of the District of Columbia, is filled by reappointment of the incumbent for a term of 6 years, effective May 6, 2011.

MEASURE READ THE FIRST TIME—H.J. RES. 48

Mr. REID. Mr. President, H.J. Res. 48 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the measure by title for the first time.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 48) making further continuing appropriations for fiscal year 2011, and for other purposes.

Mr. REID. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The joint resolution will be read a second time on the next legislative day.

ORDERS FOR WEDNESDAY, MARCH 16, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 9:30 a.m., Wednesday, March 16; 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, and that following leader remarks, there be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, that following morning business, the Senate resume consideration of S. 493, the SBIR and STTR Reauthorization Act of 2011.

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

PROGRAM

Mr. REID. Senators should expect the first votes of the day to begin at about 10:30 in the morning in relation to the Nelson of Nebraska and the Snowe-Landrieu-Coburn amendment. Additional rollcall votes are expected to occur throughout the day. Under a previous order, Senator BLUMENTHAL will be recognized at 12 noon for up to 20 minutes in order to give his maiden speech.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. 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 7:13 p.m., adjourned until Wednesday, March 16, 2011, at 9:30 a.m.