

AMENDMENTS SUBMITTED AND PROPOSED

SA 3075. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3076. Mr. DODD (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

SA 3077. Mr. DODD (for Mr. NICKLES (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 1321, to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

TEXT OF AMENDMENTS

SA 3075. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 200, strike line 9 and all that follows through page 204, line 13.

On page 204, line 14, strike "(e)" and insert "(c)".

On page 213, strike line 16 and all that follows through page 218, line 14.

Beginning on page 219, strike line 18 and all that follows through page 224, line 17 and insert the following:

(6) in recent years, MTBE has been detected in water sources throughout the United States;

(7) MTBE can be detected by smell and taste at low concentrations;

(8) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown;

(9) in the report entitled "Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline" and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard; and

(B) to greatly reduce use of MTBE;

(10) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(11) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) adequate energy supply; and

(B) reasonable fuel prices; and

(12) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

“(5) PROHIBITION ON USE OF MTBE.—

“(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

“(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

“(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

“(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

“(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

“(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

“(A) IN GENERAL.—The Secretary of Energy may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to—

“(i) the production of iso-octane and alkylates; and

“(ii) the production of such other fuel additives as will contribute to replacing quantities of motor fuel rendered unavailable as a result of paragraph (5).

On page 224, line 18, strike “(C)” and insert “(B)”.

On page 225, line 10, strike “(D)” and insert “(C)”.

Beginning on page 227, strike line 3 and all that follows through page 232, line 24.

On page 233, line 1, strike “(d)” and insert “(b)”.

Beginning on page 233, strike line 6 and all that follows through page 244, line 23, and insert the following:

SEC. 8. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Energy shall conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(C) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities; and

(D) the feasibility of developing national or regional motor vehicle fuel sales for the 48 contiguous States that could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2006, the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers; and

(C) motor vehicle fuel producers and distributors.

SA 3076. Mr. DODD (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Small Business Emergency Relief and Recovery Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Nation’s 25,000,000 small businesses employ more than 58 percent of the private workforce, and create 75 percent of all net new jobs;

(2) as a result of the terrorist attacks perpetrated against the United States on September 11, 2001, many small businesses nationwide suffered—

(A) directly because—

(i) they are, or were as of September 11, 2001, located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator of the Small Business Administration;

(ii) they were closed or their business was suspended for National security purposes at the mandate of the Federal Government; or

(iii) they are, or were as of September 11, 2001, located in an airport that has been closed; and

(B) indirectly because—

(i) they supplied or provided services to businesses that were located in or near the World Trade Center or the Pentagon;

(ii) they are, or were as of September 11, 2001, a supplier, service provider, or complementary industry to any business or industry adversely affected by the terrorist attacks perpetrated against the United States on September 11, 2001, in particular, the financial, hospitality, and travel industries; or

(iii) they are, or were as of September 11, 2001, integral to or dependent upon a business or business sector closed or suspended for national security purposes by mandate of the Federal Government; and

(3) small business owners adversely affected by the terrorist attacks are finding it difficult or impossible—

(A) to make loan payments on existing debts;

(B) to pay their employees;

(C) to pay their vendors;

(D) to purchase materials, supplies, or inventory;

(E) to pay their rent, mortgage, or other operating expenses; or

(F) to secure financing for their businesses.

(b) **PURPOSE.**—The purpose of this Act is to strengthen the loan, investment, procurement assistance, and management education programs of the Small Business Administration, in order to help small businesses meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy.

SEC. 3. DEFINITIONS RELATING TO TERRORIST ATTACKS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(r) **DEFINITIONS RELATING TO TERRORISM RELIEF.**—In this Act, the following definitions shall apply with respect to the provision of assistance under this Act in response to the terrorist attacks perpetrated against the United States on September 11, 2001, pursuant to the American Small Business Emergency Relief and Recovery Act:

“(1) **DIRECTLY AFFECTED.**—A small business concern is directly affected by the terrorist attacks perpetrated against the United States on September 11, 2001, if it—

“(A) is, or was as of September 11, 2001, located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator related to those terrorist attacks;

“(B) was closed or its business was suspended for national security purposes at the mandate of the Federal Government; or

“(C) is, or was as of September 11, 2001, located in an airport that has been closed.

“(2) **INDIRECTLY AFFECTED.**—A small business concern is indirectly affected by the terrorist attacks perpetrated against the United States on September 11, 2001, if it—

“(A) supplied or provided services to any business that was located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator related to those terrorist attacks;

“(B) is, or was as of September 11, 2001, a supplier, service provider, or complementary industry to any business or industry adversely affected by the terrorist acts perpetrated against the United States on September 11, 2001, in particular, the financial, hospitality, and travel industries; or

“(C) it is, or was as of September 11, 2001, integral to or dependent upon a business or business sector closed or suspended for national security purposes by mandate of the Federal Government.

“(3) **ADVERSELY AFFECTED.**—The term ‘adversely affected’ means having suffered economic harm to or disruption of the business operations of a small business concern as a direct or indirect result of the terrorist at-

tacks perpetrated against the United States on September 11, 2001.

“(4) **SUBSTANTIAL ECONOMIC INJURY.**—As used in section 7(b)(4), the term ‘substantial economic injury’ means an economic harm to a small business concern that results in the inability of the small business concern—

“(A) to meet its obligations on an ongoing basis;

“(B) to pay its ordinary and necessary operating expenses; or

“(C) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the small business concern.”.

SEC. 4. DISASTER LOANS AFTER TERRORIST ATTACKS.

(a) **IN GENERAL.**—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

“(4) **DISASTER LOANS AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.**—

“(A) **LOAN AUTHORITY.**—In addition to any other loan authorized by this section, the Administration may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to a small business concern that has been directly affected and suffered substantial economic injury as the result of the terrorist attacks on September 11, 2001, including due to the closure or suspension of its business for national security purposes at the mandate of the Federal Government.

“(B) **REFINANCING DISASTER LOANS.**—

“(i) **IN GENERAL.**—Any loan made under this subsection that was outstanding as to principal or interest on September 11, 2001, may be refinanced by a small business concern that is also eligible to receive a loan under this paragraph, and the refinanced amount shall be considered to be part of the new loan for purposes of this clause.

“(ii) **NO EFFECT ON ELIGIBILITY.**—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

“(C) **REFINANCING BUSINESS DEBT.**—

“(i) **IN GENERAL.**—Any business debt of a small business concern that was outstanding as to principal or interest on September 11, 2001, may be refinanced by the small business concern if it is also eligible to receive a loan under this paragraph. With respect to a refinancing under this clause, payments of principal shall be deferred, and interest may accrue notwithstanding clause (iii) of section 202 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117, 115 Stat. 2297), during the 1-year period following the date of refinancing.

“(ii) **RESUMPTION OF PAYMENTS.**—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

“(iii) **AUTHORIZATION CAP.**—Notwithstanding any other provision of law, the total amount authorized to be obligated by the Administration, under this subparagraph only, for purposes of refinancing business debt, may not exceed \$225,000,000, notwithstanding any amount otherwise obligated by the Administration under this paragraph.

“(D) **TERMS.**—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this para-

graph shall be resolved in favor of the applicant.

“(E) **NO DISASTER DECLARATION REQUIRED.**—For purposes of assistance under this paragraph, no declaration of a disaster area is required for those small business concerns directly affected by the terrorist attacks on September 11, 2001.

“(F) **SIZE STANDARD ADJUSTMENTS.**—Notwithstanding any other provision of law, for purposes of providing assistance under this paragraph to businesses located in areas of New York, Virginia, and the contiguous areas designated by the President or the Administrator as a disaster area following the terrorist attacks on September 11, 2001, a business shall be considered to be a ‘small business concern’ if it meets otherwise applicable size regulations promulgated by the Administration, and, with respect to the applicable size standard, it is—

“(i) a restaurant having not more than \$8,000,000 in annual receipts;

“(ii) a law firm having not more than \$8,000,000 in annual receipts;

“(iii) a certified public accounting business having not more than \$8,000,000 in annual receipts;

“(iv) a performing arts business having not more than \$8,000,000 in annual receipts;

“(v) a warehousing or storage business having not more than \$25,000,000 in annual receipts;

“(vi) a contracting business having a size standard under the North American Industry Classification System, Subsector 235, and having not more than \$15,000,000 in annual receipts;

“(vii) a food manufacturing business having not more than 1,000 employees;

“(viii) an apparel manufacturing business having not more than 1,000 employees; or

“(ix) a travel agency having not more than \$3,000,000 in annual receipts.

“(5) **AUTHORITY TO INCREASE OR WAIVE SIZE STANDARDS AND SIZE REGULATIONS.**—

“(A) **IN GENERAL.**—At the discretion of the Administrator, the Administrator may increase or waive otherwise applicable size standards or size regulations with respect to businesses applying for assistance under this Act in response to the terrorist attacks on September 11, 2001.

“(B) **EXEMPTION FROM ADMINISTRATIVE PROCEDURES.**—The provisions of subchapter II of chapter 5, of title 5, United States Code, shall not apply to any increase or waiver by the Administrator under subparagraph (A).

“(6) **INCREASED LOAN CAPS.**—

“(A) **AGGREGATE LOAN AMOUNTS.**—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower may not exceed—

“(i) with respect to a small business concern located in the areas of New York, Virginia, or the contiguous areas designated by the President or the Administrator as a disaster area following the terrorist attacks on September 11, 2001—

“(I) \$10,000,000 in total obligations under paragraph (1); and

“(II) \$10,000,000 in total obligations under paragraph (4); and

“(ii) with respect to a small business concern that is not located in an area described in clause (i) and that is eligible for assistance under paragraph (4), \$5,000,000 in total obligations under paragraph (4).

“(B) **WAIVER AUTHORITY.**—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amounts established under subparagraph (A).

“(7) **EXTENDED APPLICATION PERIOD.**—Notwithstanding any other provision of law, the Administrator shall accept applications for assistance under paragraphs (1) and (4) until

September 10, 2002, with respect to applicants for such assistance as a result of the terrorist attacks on September 11, 2001.

“(8) LIMITATION ON SALES OF LOANS.—No loan under paragraph (1) or (4), made as a result of the terrorist attacks on September 11, 2001, shall be sold until 3 years after the date of the final loan disbursement.”.

(b) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(1) by striking “, (2), and (4)” and inserting “and (2)”; and

(2) by striking “, (2), or (4)” and inserting “(2)”.

SEC. 5. EMERGENCY RELIEF LOAN PROGRAM.

(a) LOAN PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(31) TEMPORARY LOAN AUTHORITY FOLLOWING TERRORIST ATTACKS.—

“(A) IN GENERAL.—During the 9-month period beginning on the date of enactment of this paragraph, the Administration may make loans under this subsection to a small business concern that has been directly or indirectly adversely affected.

“(B) LOAN TERMS.—With respect to a loan under this paragraph—

“(i) for purposes of paragraph (2)(A), participation by the Administration shall be equal to 85 percent of the balance of the financing outstanding at the time of disbursement of the loan;

“(ii) section 203 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117, 115 Stat. 2297), as it relates to annual fees, shall apply;

“(iii) the Administrator shall collect a guarantee fee in accordance with paragraph (18)(C), as amended by the American Small Business Emergency Relief and Recovery Act;

“(iv) the applicable rate of interest shall not exceed a rate that is 2 percentage points above the prime lending rate;

“(v) no such loan shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower under this paragraph—

“(I) would exceed \$1,000,000; or

“(II) at the discretion of the Administrator, and upon notice to the Congress, would exceed \$2,000,000, as necessary to provide relief in high-cost areas or to high-cost industries that have been adversely affected; or

“(vi) no such loan shall be made if the gross amount of the loan would exceed \$3,000,000;

“(vii) upon request of the borrower, repayment of principal due on a loan made under this paragraph may be deferred during the 1-year period beginning on the date of issuance of the loan; and

“(viii) any reasonable doubt concerning the repayment ability of an applicant for a loan under this paragraph shall be resolved in favor of the applicant.

“(C) APPLICABILITY.—The loan terms described in subparagraph (B) shall apply to a loan under this paragraph notwithstanding any other provision of this subsection, and except as specifically provided in this paragraph, a loan under this paragraph shall otherwise be subject to the same terms and conditions as any other loan under this subsection.

“(D) TRAVEL AGENCIES.—For purposes of loans made under this paragraph, the size standard for a travel agency shall be \$3,000,000 in annual receipts.”.

(b) CONFORMING AMENDMENT.—Section 7(a)(23)(A) of the Small Business Act (15

U.S.C. 636(a)(23)(A)) is amended by inserting “other than a loan under paragraph (31),” after “this subsection,”.

SEC. 6. REDUCTION OF FEES.

(a) TEMPORARY REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

“(C) TEMPORARY REDUCTION IN FEES.—With respect to loans approved during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004, the guarantee fee under subparagraph (A) shall be as follows:

“(i) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than \$150,000.

“(ii) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than \$150,000, but not more than \$700,000.

“(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.”.

(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following:

“With respect to loans approved during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004, other than a loan under paragraph (31), the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.”.

(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking “not exceed the lesser” and inserting “not exceed—

“(i) the lesser”; and

(C) by adding at the end the following:

“(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004, for the life of the loan; and”; and

(2) by adding at the end the following new subsection:

“(i) TEMPORARY WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004.”.

(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) USE OF FUNDS.—The amendments made by this section to section 503 of the Small Business Investment Act of 1958, shall be effective only to the extent that funds are

made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) CONFORMING REPEAL.—Effective on the day before the date of enactment of this Act, section 6 of the Small Business Investment Company Amendments Act of 2001 (Public Law 107-100, 115 Stat. 970), and the amendments made by that section, are repealed.

SEC. 7. OTHER SPECIALIZED ASSISTANCE AND MONITORING AUTHORIZED.

(a) ADDITIONAL SBDC AUTHORITY.—

(1) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(A) in subparagraph (S), by striking “and” at the end;

(B) in subparagraph (T), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(U) providing individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected, directly or indirectly, by the terrorist attacks on September 11, 2001.”.

(2) WAIVER OF MATCHING REQUIREMENTS.—

Section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)) is amended by inserting before the period at the end the following: “, except that the matching requirements of this paragraph do not apply with respect to any assistance provided under subsection (c)(3)(U)”.

(b) ADDITIONAL SCORE AUTHORITY.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended—

(1) by inserting “(i)” after “(B)”; and

(2) by adding at the end the following:

“(ii) The functions of the Service Corps of Retired Executives (SCORE) shall include the provision of individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected by the terrorist attacks on September 11, 2001.”.

(c) ADDITIONAL MICROLOAN PROGRAM AUTHORITY.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

“(14) ASSISTANCE AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—Amounts made available under this subsection may be used by intermediaries to provide individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected by the terrorist attacks on September 11, 2001.”.

(d) ADDITIONAL WOMEN'S BUSINESS DEVELOPMENT CENTER AUTHORITY.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns that were adversely affected by the terrorist attacks on September 11, 2001.”; and

(2) in subsection (c), by adding at the end the following:

“(5) WAIVER OF MATCHING REQUIREMENTS.—A recipient organization shall not be subject to the non-Federal funding requirements of paragraph (1) with respect to assistance provided under subsection (b)(4).”.

(e) ADDITIONAL SBIC AUTHORITY.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

“(k) **AUTHORITY AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.**—Small business investment companies are authorized and encouraged to provide equity capital and to make loans to small business concerns pursuant to sections 304(a) and 305(a) of the Small Business Investment Act of 1958, respectively, for the purpose of providing assistance to small business concerns adversely affected by the terrorist attacks on September 11, 2001.”

SEC. 8. STUDY AND REPORT ON EFFECTS ON SMALL BUSINESS CONCERNS.

(a) STUDY.—

(1) **IN GENERAL.**—The Office of Advocacy of the Small Business Administration shall conduct annual studies for a 5-year period on the impact of the terrorist attacks perpetrated against the United States on September 11, 2001, on small business concerns, and the effects of assistance provided under this Act on such small business concerns.

(2) **CONTENTS.**—The study conducted under paragraph (1) shall include information regarding—

(A) bankruptcies and business failures that occurred as a result of the events of September 11, 2001, as compared to those that occurred in 1999 and 2000;

(B) the loss of jobs, revenue, and profits in small business concerns as a result of those events, as compared to those that occurred in 1999 and 2000;

(C) the impact of assistance provided under this Act to small business concerns adversely affected by those attacks, including information regarding whether—

(i) small business concerns that received such assistance would have remained in business without such assistance;

(ii) jobs were saved due to such assistance; and

(iii) small business concerns that remained in business had increases in employment and sales since receiving assistance.

(b) **REPORT.**—The Office of Advocacy shall submit a report to Congress on the studies required by subsection (a)(1), specifically addressing the requirements of subsection (a)(2), in September of each of fiscal years 2002 through 2006.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$500,000 for each of fiscal years 2002 through 2006.

SEC. 9. EMERGENCY EQUITABLE RELIEF FOR FEDERAL CONTRACTORS.

(a) GUIDANCE REQUIRED.—

(1) **IN GENERAL.**—Under guidance issued by the Administrator for Federal Procurement Policy in conjunction with the Administrator of the Small Business Administration, the head of a contracting agency of the United States may increase the price of a prime contract entered into by the agency prior to September 11, 2001 with a small business concern (as defined in section 3 of the Small Business Act) to the extent determined equitable under this section on the basis of loss resulting from security measures taken by the Federal Government at Federal facilities as a result of the terrorist attacks on September 11, 2001.

(2) **EXPEDITED ISSUANCE.**—Guidance required by paragraph (1) shall be issued under expedited procedures, not later than 45 days after the date of enactment of this Act.

(b) EXPEDITED PROCEDURES.—

(1) **IN GENERAL.**—The Administrator for Federal Procurement Policy shall prescribe expedited procedures for considering whether to grant an equitable adjustment in the case of a contract of an agency under subsection (a).

(2) **REQUIREMENTS.**—The procedures required by paragraph (1) shall provide for—

(A) an initial review of the merits of a contractor's request by the contracting officer concerned with the contract;

(B) a final determination of the merits of the contractor's request, including the value of any price adjustment, by the Head of the Contracting Agency, in consultation with the Administrator of the Small Business Administration, taking into consideration the initial review under subparagraph (A); and

(C) payment from the fund established under subsection (d) for the contract's price adjustment.

(3) **TIMING.**—The procedures required by paragraph (1) shall require completion of action on a contractor's request for adjustment not later than 30 days after the date on which the contractor submits the request to the contracting officer concerned.

(c) **AUTHORIZED REMEDIES.**—In addition to making a price adjustment under subsection (a), the time for performance of a contract may be extended under this section.

(d) PAYMENT OF ADJUSTED PRICE.—

(1) **FUND ESTABLISHED.**—The Secretary of the Treasury shall establish a fund for the payment of contract price adjustments under this section. Payments of amounts for price adjustments shall be made out of the fund.

(2) **AVAILABILITY.**—Notwithstanding any other provision of law, amounts in the fund under this subsection shall remain available until expended.

(e) TERMINATION OF AUTHORITY.—

(1) **REQUESTS.**—No request for adjustment under this section may be accepted more than 330 days after the date of enactment of this Act.

(2) **TERMINATION.**—The authority under this section shall terminate 1 year after the date of enactment of this Act.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of the Treasury, for deposit into the fund established under subsection (d), \$50,000,000 to carry out this section, including funds for administrative expenses and costs. Any funds remaining in the fund established under subsection (d) 1 year after the date of enactment of this Act shall be transferred to the disaster loan account of the Small Business Administration.

SEC. 10. REPORTS TO CONGRESS.

(a) **REPORTS REQUIRED.**—The Administrator of the Small Business Administration shall submit regular reports to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the implementation of this Act and the amendments made by this Act, including program delivery, staffing, and administrative expenses related to such implementation.

(b) **FREQUENCY OF REPORTS.**—The reports required by subsection (a) shall be submitted 20 days after the date of enactment of this Act and monthly thereafter until 1 year after the date of enactment of this Act, at which time the reports shall be submitted on a quarterly basis through December 31, 2003.

SEC. 11. EXPEDITED ISSUANCE OF IMPLEMENTING GUIDELINES.

Not later than 20 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue interim final rules and guidelines to implement this Act and the amendments made by this Act.

SEC. 12. SPECIAL AUTHORIZATIONS OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

“(j) **SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING TERRORIST ATTACKS.**—In addition to any other amounts authorized

by this Act for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended—

“(1) for each of fiscal years 2002 through 2004, such sums as may be necessary to carry out paragraph (4) of section 7(b), including necessary loan capital and funds for administrative expenses related to making and servicing loans pursuant to that paragraph;

“(2) for fiscal year 2002, \$25,000,000, to be used for activities of small business development centers pursuant to section 21(c)(3)(U)—

“(A) \$2,500,000 of which shall be used to assist small business concerns (as that term is defined for purposes of section 7(b)(4)) located in the areas of New York and the contiguous areas designated by the President as a disaster area following the terrorist attacks on September 11, 2001; and

“(B) \$1,500,000 of which shall be used to assist small business concerns located in areas of Virginia and the contiguous areas designated by the President as a disaster area following those terrorist attacks;

“(3) for fiscal year 2002, \$2,000,000, to be used under the Service Corps of Retired Executives program authorized by section 8(b)(1) for the activities described in section 8(b)(1)(B)(ii);

“(4) for fiscal year 2002, \$5,000,000 for microloan technical assistance authorized under section 7(m)(14);

“(5) for fiscal year 2002, \$2,000,000 to be used for activities of women's business centers authorized by section 29(b)(4);

“(6) for each of fiscal years 2002 through 2004, such sums as may be necessary to carry out paragraphs (18)(C) and (31) of section 7(a), including any funds necessary to offset fees and amounts waived or reduced under those provisions, necessary loan capital, and funds for administrative expenses; and

“(7) for each of fiscal years 2002 through 2004, such sums as may be necessary to carry out the temporary suspension of fees under subsections (b)(7)(A) and (i) of section 503 of the Small Business Investment Act of 1958, in response to the terrorist attacks on September 11, 2001, including any funds necessary to offset fees and amounts waived under those provisions and including funds for administrative expenses.”

SA 3077. Mr. DODD (for Mr. NICKLES (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 1321, to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.

(a) **FINDINGS.**—Congress makes the following findings:

(1) In order to promote better understanding between Indian and non-Indian citizens of the United States, and in light of the Federal Government's continuing trust responsibilities to Indian tribes, it is appropriate, desirable, and a proper function of the Federal Government to provide grants for the development of a museum designated to display the heritage and culture of Indian tribes.

(2) In recognition of the unique status and history of Indian tribes in the State of Oklahoma and the role of the Federal Government in such history, it is appropriate and proper for the museum referred to in paragraph (1) to be located in the State of Oklahoma.

(b) GRANT.—

(1) **IN GENERAL.**—The Director shall offer to award financial assistance equaling not more

than \$33,000,000 and technical assistance to the Authority to be used for the development and construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

(2) AGREEMENT.—To be eligible to receive a grant under paragraph (1), the appropriate official of the Authority shall—

(A) enter into a grant agreement with the Director which shall specify the duties of the Authority under this section, including provisions for continual maintenance of the Center by the Authority without the use of Federal funds; and

(B) demonstrate, to the satisfaction of the Director, that the Authority has raised, or has commitments from private persons or State or local government agencies for, an amount that is equal to not less than 66 percent of the cost to the Authority of the activities to be carried out under the grant.

(3) LIMITATION.—The amount of any grant awarded under paragraph (1) shall not exceed 33 percent of the cost of the activities to be funded under the grant.

(4) IN-KIND CONTRIBUTION.—When calculating the cost share of the Authority under this Act, the Director shall reduce such cost share obligation by the fair market value of the approximately 300 acres of land donated by Oklahoma City for the Center, if such land is used for the Center.

(c) DEFINITIONS.—For the purposes of this Act:

(1) AUTHORITY.—The term “Authority” means the Native American Cultural and Educational Authority of Oklahoma, and agency of the State of Oklahoma.

(2) CENTER.—The term “Center” means the Native American Cultural Center and Museum authorized pursuant to this section.

(3) DIRECTOR.—The term “Director” means the Director of the Institute of Museum and Library Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director to grant assistance under subsection (b)(1), \$8,250,000 for each of fiscal years 2003 through 2006.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that a fellow from the Commerce Department, Gabriel Adler, be given floor privileges for the remainder of this session of Congress.

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

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Agriculture Committee be discharged from further consideration of the following nomination: Nancy Bryson, to be General Counsel of the Department of Agriculture, and that the nomination be confirmed.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF AGRICULTURE

Nancy Southard Bryson, of the District of Columbia, to be General Counsel of the Department of Agriculture.

Mr. DODD. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of the nomination of Randal Quarles, to be Deputy Under Secretary of Treasury, and that the nomination also be confirmed.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF THE TREASURY

Randal Quarles, of Utah, to be a Deputy Under Secretary of the Treasury.

EXECUTIVE CALENDAR

Mr. DODD. Mr. President, I further ask unanimous consent that the Senate proceed to the consideration of nominations numbered 658, 663, 664, 669, 737 through 757; that they be confirmed, that all above motions to reconsider be laid on the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations were considered and confirmed as follows:

DEPARTMENT OF THE TREASURY

Kenneth Lawson, of Florida, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Vickers B. Meadows, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Diane Leneghan Tomb, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Kenneth M. Donohue, Sr., of Virginia, to be Inspector General, Department of Housing and Urban Development.

NATIONAL CREDIT UNION ADMINISTRATION

JoAnn Johnson, of Iowa, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2007.

Deborah Matz, of New York, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2005.

ENVIRONMENTAL PROTECTION AGENCY

J. Paul Gilman, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF COMMERCE

James R. Mahoney, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

DEPARTMENT OF VETERANS AFFAIRS

Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

Robert H. Roswell, of Florida, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

NOMINATION DISCHARGED

Mr. DODD. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nomination: Victoria Lipnic, to be Assistant Secretary of Labor; that the nomination

be confirmed, the motion to reconsider be laid on the table; that any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action; and the Senate return to legislative session, all without any intervening action or debate.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF LABOR

Victoria A. Lipnic, of Virginia, to be an Assistant Secretary of Labor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AMERICAN SMALL BUSINESS EMERGENCY RELIEF ACT OF 2001

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 186, S. 1499.

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

The legislative clerk read as follows:

A bill (S. 1499) to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3076

Mr. DODD. Mr. President, I understand Senators KERRY and BOND have a substitute amendment at the desk. I ask unanimous consent that the Senate proceed to its immediate consideration, that the amendment be agreed to, and that the motion to reconsider be laid upon the table.

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

The amendment (No. 3076) was agreed to.

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

● Mr. KERRY. Mr. President, I would urge that there be no further delay, no further obstruction, and that the Senate act—at long last—to pass a bill that is very important to so many small businesses in this country crippled by the economic fall-out of September 11, including businesses that were already struggling before September 11 during the recession and are now faced with even more difficult prospects.

For months, tens of thousands of small businesses have been asking for help—an immediate helping hand—just to keep their businesses going—particularly working capital to meet payroll and pay the bills—but they have been forced to make ends meet by using credit cards and depleting personal savings because small businesses doesn't have the same access as big