

AMENDMENT NO. 2924

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 2924 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2938

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2938 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2978

At the request of Mr. BEGICH, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 2978 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2991

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2991 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2993

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2993 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3004

At the request of Mrs. HAGAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 3004 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3010

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3010 intended to

be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3013

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3013 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3014

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3014 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 3069

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3069 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEGICH (for himself and Ms. SNOWE):

S. 2852. A bill to establish, within the National Oceanic and Atmospheric Administration, an integrated and comprehensive ocean, coastal, Great Lakes, and atmospheric research, prediction, and environmental information program to support renewable energy; to the Committee on Commerce, Science, and Transportation.

Mr. BEGICH. Mr. President, today, I, along with my colleague Senator SNOWE, are introducing legislation to establish a comprehensive ocean, coastal, Great Lakes, and atmospheric research program to support renewable energy. Renewable energy is the most rapidly growing U.S. energy sector. Increasing the use of renewable energy is dependent on baseline atmospheric and oceanic data. Improving NOAA's ability to provide the observations, forecasts, and climate information tailored to the needs of the renewable energy industry will promote growth of this energy sector. This bill would require NOAA to establish a comprehensive research, prediction, and environmental information program to support renewable energy. Specifically, the legisla-

tion would require NOAA to develop observation systems and models and collect baseline environmental data to support renewable energy development on land and in the marine environment; and provide best management practices to avoid adverse effects in the marine and coastal environment. The legislation would authorize \$100 million annually for fiscal year 2010 through 2014 and allows for up to 50 percent of funds to be available to educational institutions or states to carry out activities in support of the program. As we work as a Nation to decrease our dependency on foreign oil, to encourage scientific advancement, technological innovation and job creation, the Renewable Energy Environmental Research Act of 2009 will be an important component in advancing progress in those areas. I urge my colleagues to support this legislation to support critical research in support of advancing renewable energy development.

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. 2852

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 "Renewable Energy Environmental Research Act of 2009".

SEC. 2. PURPOSE.

The purpose of this Act is to establish an integrated and comprehensive ocean, coastal, Great Lakes, and atmospheric research, prediction, and environmental information program to support renewable energy.

SEC. 3. RENEWABLE ENERGY RESEARCH PLAN.

(a) IN GENERAL.—The Administrator shall develop a plan—

(1) to define requirements for a comprehensive and integrated ocean, coastal, Great Lakes, and atmosphere science program to support renewable energy development in the United States based on the public hearings, public comments, and a review of scientific and industry information;

(2) to identify and describe current climate, weather, and water data programs, products, services, and authorities within NOAA relevant to renewable energy development;

(3) to provide targeted research, data, monitoring, observation, and other information, products, and services concerning climate, weather, and water in support of renewable energy and "smart grid" technology, including research to accurately quantify the downstream micro-climate impacts of wind-power turbines;

(4) to provide research, data, monitoring, and other information, products, and services to inform renewable energy decisions concerning coastal and marine habitats, living marine resources and the ecosystems on which they depend and coastal and marine planning; and

(5) to reduce duplication and leverage the resources of existing NOAA programs through coordination with—

(A) other offices and programs within NOAA, including the atmospheric, ocean, and coastal observation systems;

(B) Federal, State, tribal, and local observation systems; and

(C) other entities, including the private sector organizations and institutions of higher education; and

(6) to facilitate public-private cooperation, including identification and assessment of current private sector capabilities.

(b) PUBLIC HEARINGS.—In developing the plan, the Administrator shall provide public notice and opportunity for 1 or more public hearings and shall seek comments from Federal and State agencies, tribes, local governments, representatives of the private sector, and other parties interested in renewable energy observations, data, and use in order to improve NOAA climate, weather, and water observation data products and services to more effectively support renewable energy development.

SEC. 4. ESTABLISHMENT OF RESEARCH, PREDICTION, AND ENVIRONMENTAL INFORMATION PROGRAM.

(a) IN GENERAL.—Within 18 months after the date of enactment of this Act, the Administrator shall establish a program to develop and implement an integrated and comprehensive ocean, coastal, Great Lakes and atmosphere research and operations program, based on the plan required by section 3, to support renewable energy development in the United States.

(b) PROGRAM COMPONENTS.—At a minimum, the program shall include—

(1) improvements in coordinated climate, weather, and water research, monitoring, and observations to support—

(A) renewable energy development; and

(B) the understanding and mitigation of the impact of renewable energy development on living marine resources, including protected species and the marine and coastal environment;

(2) coordinated weather, water, and climate prediction capability focused on renewable energy and “smart grid” technology to provide information and decision services in support of renewable energy development;

(3) support for the transition to, and reliable delivery of, sustained operational weather, water, and climate products from research, observation, and prediction outputs;

(4) means of identifying biological and ecological effects of marine renewable energy development on living marine resources, the marine and coastal environment, marine-dependent industries, and coastal communities;

(5) baseline ecological characterization, including research, data collection, and mapping, of the coastal and marine environment and living marine resources for marine renewable energy development;

(6) avoidance, minimization, and mitigation strategies to address the potential impacts of marine renewable energy on the marine, coastal, and Great Lakes environment, including developing effective monitoring protocols, use of adaptive management, informed engineering design and operating parameters, and the establishment of protocols for minimizing the environmental impacts of testing, developing, and deploying marine renewable energy devices;

(7) support for the development of marine special area management plan by states as defined by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) that would support renewable energy development consistent with natural resource protection and other coastal-dependent economic growth;

(8) comprehensive digital mapping, modeling, and other geospatial information and services to support planning for renewable energy and stewardship of ecosystem and living marine ecosystems, including protected species, in ocean and coastal areas;

(9) a coordinated approach for examining and quantifying the micro-climate impacts of wind-power farms on soil transpiration and drying; and

(10) provision for outreach to the public and private sector about program research, information, and products, including making non-proprietary information and best management practices developed under this program available to the public.

(c) USE IN AGENCY DECISIONS.—The program established under subsection (b) shall be designed to collect, synthesize, and distribute data in a manner that can be used by marine resource managers responsible for making decisions about marine renewable energy projects. The Army Corps of Engineers, Department of Commerce, Minerals Management Service, Federal Energy Regulatory Commission, and Department of Energy shall consider this information when making planning, siting, and permitting decisions for marine renewable energy.

(d) SUPPORT FOR PUBLIC-PRIVATE COOPERATION.—To the extent practicable, in implementing the program established under this section, the Administrator shall seek appropriate opportunities to facilitate and expand cooperation with private sector entities to develop and expand information services that serve the renewable energy industry.

SEC. 5. BIENNIAL REPORTS.

Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Natural Resources, and the House of Representatives Committee on Science and Technology on progress made in implementing this Act, including—

(1) a description of activities carried out under this Act;

(2) recommendations for priority activities under this Act for fiscal years beginning after the date on which the report is submitted; and

(3) funding levels for activities under this Act in those fiscal years

SEC. 6. LIBRARY.

Within 1 year after the date of the enactment of this Act, the Administrator, in consultation with relevant Federal agencies, shall establish a renewable energy information library and data portal. The library shall include, at a minimum—

(1) links to data and information products for use in renewable energy development;

(2) links to planning and decision support tools for use in renewable energy development;

(3) data about the baseline condition of ocean and coastal resources; and

(4) links to digital mapping and geospatial information, products, and services described in section 4(b).

SEC. 7. FEDERAL COORDINATION.

In carrying out activities under this Act, the Administrator shall coordinate with the Secretary of the Interior, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Federal Energy Regulatory Commission, the Department in which the Coast Guard is operating, and the heads of other relevant Federal agencies.

SEC. 8. AGREEMENTS.

The Administrator may enter into and perform such contracts, leases, grants, cooperative agreements, or other agreements and transactions with any agency or instrumentality of the United States, or with any State, local, tribal, territorial or foreign government, or with any person, corporation, firm, partnership, educational institution, nonprofit organization, or international organization as may be necessary to carry out the purposes of this Act.

SEC. 9. AUTHORITY TO RECEIVE FUNDS.

The Administrator may accept, retain, and use funds received from any party pursuant to an agreement entered into under section 8 for activities furthering the purposes of this Act.

SEC. 10. USE OF OCEAN OBSERVING OFFSHORE INFRASTRUCTURE.

(a) IN GENERAL.—Any offshore exploration and production facility, at the discretion of the Administrator, may execute a memorandum of understanding authorizing the use of offshore platforms and infrastructure for the placement of meteorological and oceanographic observation sensors of a type to be designated by the Administrator in support of the Integrated Ocean Observing System.

(b) AVAILABILITY OF INFORMATION.—All information collected by such sensors will be managed by NOAA and be readily available for use in spill response as well as available to the National Weather Service, other NOAA programs, and the general public.

SEC. 11. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of NOAA.

(2) MARINE RENEWABLE ENERGY.—The term “marine renewable energy” means any form of renewable energy derived from the sea including wave energy, tidal energy, ocean current energy, offshore wind energy, salinity gradient energy, ocean thermal gradient energy, and ocean thermal energy conversion.

(3) NOAA.—The term “NOAA” means the National Oceanic and Atmospheric Administration.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IMPLEMENTATION AND EXECUTION.—There are authorized to be appropriated to the Administrator \$100,000,000 for each of fiscal years 2010 through 2014 to carry out this Act.

(b) GRANTS TO EDUCATIONAL INSTITUTIONS AND COASTAL STATES.—Of the amounts appropriated pursuant to subsection (b), the Administrator shall make up to 50 percent available to educational institutions, and to States with coastal zone management programs approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), to carry out activities that support the program established under section 4.

SEC. 13. SAVINGS PROVISION.

Nothing in this Act shall be construed to supersede or modify the jurisdiction, responsibilities, or authority of any Federal or State agency under any provision of law in effect on the date of enactment of this Act.

By Mr. KOHL (for himself and Mr. HATCH):

S 2854. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles, and for other purposes; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce a bill with Senator HATCH that would provide tax credits for purchasers of hybrid and plug-in hybrid heavy duty trucks. Specifically, this bill would extend the existing heavy duty hybrid tax credit and create a tax credit for heavy duty plug-in hybrid trucks. The plug-in tax credit was included in the Senate passed stimulus bill, but was dropped in conference. Both tax credits would begin at \$15,000 for those vehicles weighing up to 14,000 lbs and max out at \$100,000

for vehicles weighing more than 33,000 lbs. The tax credits would expire in 2014.

The challenge for hybrid and plug-in hybrid technologies is cost. Advanced batteries and components are new and expensive technologies. In the medium and heavy duty sector, these costs are even higher and vehicle turnover is lower. The incremental cost of a heavy duty plug-in hybrid over 23,000 lbs can be as much as \$85,000. We are introducing this bill to provide the needed incentives for manufacturers to develop and install hybrid and plug-in hybrid technology on heavy duty trucks.

This bill also includes a tax credit of up to \$3,500 for trucks stops to install electrification units so that truckers could plug in their vehicles to operate necessary systems without idling the engine. Because the Department of Transportation mandates that truckers rest for 10 hours after driving for 11 hours, truckers idle at truck stops for several hours. With this tax credit, truckers would be able to operate the heater, air conditioner, television, and other appliances without running the engine, which saves fuel, reduces air pollution, and reduces engine wear. The tax credit would end in 2014.

In addition to reducing oil use in their drive cycles, electrification is an important technology for reducing idle costs and emissions. U.S. trucks idle an average of 1830 hours per year. The idling of commercial vehicles is estimated to consume more than 2 billion gallons of fuel annually, while producing unwanted emissions. By promoting onboard electricity options for powering vehicle functions while idling and by expanding off board options, through truck stop electrification, this legislation will reduce oil use and emissions from this sector even further.

This bill, which has the support of the Electric Drive Transportation Association, will help manufacturers reach the economies of scale by bringing down the costs of hybrid and plug-in hybrid technologies. The tax credits will promote the purchases of clean, efficient electric drive trucks and the installation of anti-idling equipment that will improve our environment and reduce our dependence on foreign oil.

By Mr. BINGAMAN (for himself, Mr. HATCH, Ms. STABENOW, and Mr. LUGAR):

S. 2857. A bill to amend the Internal Revenue Code of 1986 to expand the qualifying advanced energy project credit; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, a recent report by the New America Foundation finds that “the United States ran an overall green trade deficit of –\$8.9 billion in 2008, including a deficit of –\$6.4 billion in the critical category of renewable energy. . . .” To halt this trend and promote American leadership in clean technology manufacturing, I was pleased to see the Advanced Energy Manufacturing Tax

Credit, codified as Section 48C of the Internal Revenue Code, established under the American Recovery and Reinvestment Act. Under Section 48C, qualifying projects receive a 30 percent tax credit for capital expenditures related to new, expanded, or re-equipped advanced energy manufacturing projects. But Section 48C was enacted subject to a \$2.3 billion limitation in allocation authority—and we expect the full \$2.3 billion soon to be exhausted. Because we cannot allow this credit to lapse, I rise today to introduce the American Clean Technology Manufacturing Leadership Act, which would add \$2.5 billion in allocation authority to the Section 48C Advanced Energy Manufacturing Tax Credit program. I am pleased to be joined by Senator HATCH, Senator STABENOW, and Senator LUGAR in introducing this bill.

By establishing the Section 48C credit, Congress took a significant step—but we cannot slow down now. In the near- to mid-term, we can anticipate rapid growth in demand for renewable energy technologies, due to the long-term extension of the production tax credit and the commercial and residential investment tax credits; declining product costs; the anticipated enactment this Congress of a national renewable portfolio standard; and the anticipated implementation of a carbon control system. But without robust incentives, foreign-based manufacturers are poised to seize a large share of this domestic growth in the clean power market with products exported to the United States. As New America explains: “If current trends continue, the green trade deficit can be expected to widen further as the administration’s agenda increases domestic demand but without sufficient measures to increase domestic production. If the deficit continues to grow, the United States will forego the creation of millions of high-wage, high-skill green manufacturing jobs and lose its potential to be a global producer as well as a consumer of green technologies.”

The reality is that we need a level playing field to bring manufacturing jobs to the United States. For years, Germany, China, India, Malaysia, and the Philippines have offered incentives that have placed the United States at a competitive disadvantage. For instance, for solar photovoltaic manufacturers, Malaysia and the Philippines offer income tax holidays, 15 years in the case of Malaysia, and Germany offers up to 30 percent of investment costs for large enterprises and 40–50 percent for smaller enterprises.

The Section 48C Advanced Energy Manufacturing Tax Credit made an important stride in leveling that playing field. ARRA instructed Treasury and DOE to establish a selection procedure for allocating credits, thus ensuring that only the most promising projects receive a Federal investment. But the program is oversubscribed and we anticipate that by January 15, the full \$2.3 billion authorized under ARRA will be allocated.

We cannot afford to have this credit lapse. There are additional qualified applications ready to be evaluated, and an existing selection infrastructure to make these awards quickly. To keep us on track, our bill would add an additional \$2.5 billion in allocation authority—enough to leverage an additional \$8.3 billion in investment in domestic manufacturing facilities.

Yesterday President Obama himself called for an expansion of this credit. Speaking at the Brookings Institution, the President said that the Treasury program has received a substantial response and warrants an expansion: “It’s a positive sign that many of these programs drew so many applicants for funding that a lot of strong proposals—proposals that will leverage private capital and create jobs quickly—did not make the cut.” President Obama said. “With additional resources, in areas like advanced manufacturing of wind turbines and solar panels, for instance, we can help turn good ideas into good private-sector jobs.”

We should move immediately to meet the President’s call, by adding \$2.5 billion in allocation authority. Allowing this credit to lapse would only cede high-paying jobs to other countries at a time when our unemployment rate hovers above 10 percent.

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. 2857

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 “American Clean Technology Manufacturing Leadership Act”.

SEC. 2. EXPANSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) of the Internal Revenue Code of 1986 is amended by striking “\$2,300,000,000” and inserting “\$4,800,000,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2009.

By Mrs. BOXER (for himself, Mr. DURBIN, Mr. KERRY, and Mr. CASEY):

S. 2858. A bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we work to reform our health care system, it is crucial that we encourage the development of new treatments and cures for diseases by investing in health research and innovation. Today, I am proud to introduce the Brittany Wilkinson Mitochondrial Disease Research and Treatment Enhancement Act of 2009, which, for the first time,

would coordinate the federal investment in researching the cause of, and treatments and cures for, mitochondrial disease.

Known as the cell's "powerhouse," mitochondria are specialized compartments within cells that help sustain life by producing 90 percent of the energy our cells and bodies need. Mitochondrial disease causes defects that reduce the ability of mitochondria to produce energy, which leads to cell dysfunction or death. When cells in our bodies begin to fail or die, then whole organ systems can fail.

Due to the essential nature of the function of mitochondria, mitochondrial dysfunction is suspected to be associated with a large number of diseases including, Parkinson's, autism, diabetes, cancer and many other afflictions. However, we cannot learn more about how these diseases are related until we invest enough resources in mitochondrial disease research.

First recognized in the 1960s, mitochondrial disease is relatively newly diagnosed, yet every 30 minutes a child is born who will develop a mitochondrial disease by age 10, and one recent study showed that one in every 200 people has a genetic mutation that may lead to mitochondrial disease.

Despite its prevalence, mitochondrial disease has no known treatment or cure, those afflicted with this disorder—many of them children—go untreated.

This legislation would create an Office of Mitochondrial Disease, within the National Institutes of Health, to develop a Mitochondrial Disease Research Plan, to promote and coordinate efforts to educate researchers and health providers about mitochondrial diseases and to award grants to increase research of mitochondrial disease.

In addition, this legislation would establish Mitochondrial Disease Centers of Excellence to promote basic and clinical research, facilitate training programs in mitochondrial disease, and develop and disseminate programs to provide continuing education in mitochondrial disease. This legislation also instructs the Director of the CDC to establish a national registry and a biorepository to help collect and share information about patients with mitochondrial disease.

The United Mitochondrial Disease Foundation, UMDF—the voice for the thousands of children, adults and their families who face this disease almost alone—greatly supports this bill because they know it is critical to research, understanding and future treatments for mitochondrial diseases.

Brittany Wilkinson, for whom this act is named, was herself a mitochondrial disease patient. Earlier this year I met this young woman when she visited my office as a UMDF Youth Ambassador; I was greatly impressed by her poise and dedication to her cause. Although Brittany had experi-

enced medical problems since birth, she was not diagnosed with mitochondrial disease until the age of seven.

Though Brittany was in constant pain, spent months in the hospital and sometimes stopped breathing at night, she devoted her life to raising awareness about the disease she shared with so many others. As the first ever Youth Ambassador for the UMDF, Brittany helped fundraise, made phone calls and dictated letters—sometimes from her hospital bed.

In addition to her work as a Youth Ambassador, Brittany was also active in her local government, where she worked to pass "Mitochondrial Disease Awareness Week" resolutions in Clovis City and Fresno, California. On the state level, this year she was able to get a permanent resolution through the California Assembly to make the third full week in September every year "Mitochondrial Disease Awareness Week". I was devastated to hear that this September Brittany passed due to the effects of her debilitating illness.

Brittany Wilkinson worked tirelessly to advance public awareness of this devastating disease, now I urge my colleagues to join me in taking the next step by supporting this investment in mitochondrial disease research, for the thousands of families across our nation coping with mitochondrial disease.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, Ms. SNOWE, Mr. NELSON of Florida, and Mr. KERRY):

S. 2859. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUE. Mr. President, I am pleased to sponsor the Coral Reef Conservation Amendments Act of 2009. This bill reauthorizes and strengthens the Coral Reef Conservation Act of 2000, a program that I originally sponsored in the 106th Congress establishing the Coral Reef Conservation Program at the National Oceanic and Atmospheric Administration, NOAA.

Coral reefs are among the oldest and most economically and biologically important ecosystems in the world. They provide habitat for more than one million diverse aquatic species, a natural barrier for protection from coastal storms and erosion, and are a potential source of treatment for many of the world's diseases. In addition, reef-supported tourism is a \$30 billion industry worldwide, and the commercial value of U.S. fisheries from coral reefs is more than \$100 million. However, our coral reef ecosystems face many threats including pollution, climate change and coral bleaching, and overfishing to name a few. Coral reefs cover only one-tenth of one percent of the ocean floor, yet provide habitat for more than 25 percent of all marine species.

The original Coral Reef Conservation Act of 2000 recognized the need to preserve, sustain and restore the condition of these valuable coral reef ecosystems. It directed NOAA to develop a National Coral Reef Action Strategy, established a NOAA Coral Reef Conservation Program, and created a Coral Reef Conservation Fund to support public-private partnership projects. The Coral Reef Conservation Act of 2000 also authorized NOAA to provide emergency grants to address unforeseen and disaster-related impacts to coral reefs.

The Coral Reef Conservation Amendments Act of 2009 would strengthen NOAA's ability to comprehensively address threats to coral reefs and empower the agency with tools to ensure that damage to our coral reef ecosystems is prevented or effectively mitigated. It also establishes consistent practices for maintaining data, products, and information, and promotes the widespread availability and dissemination of that environmental information.

The bill allows the Secretary to further develop partnerships with foreign governments and international organizations as well as with Federal agencies, State and local governments, tribal organizations, educational institutions, nonprofit organizations, commercial organizations, and other public and private entities. These partnerships are critical not only to the understanding of our coral reef ecosystems, but also to their protection and restoration. Finally, the bill allows for any amount received by the United States as a result of illegal activity resulting in the destruction, take, loss, or injury of coral reefs to be used toward restoration efforts.

I would urge my colleagues to support this important legislation and I hope that we may pass this bill quickly to continue supporting NOAA's leadership role in coral reef conservation.

By Mr. DODD:

S. 2860. A bill to protect students from inappropriate seclusion and physical restraint, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, in 1998, the Hartford Courant ran an award-winning series of stories about the use of restraint and seclusion in hospitals, residential facilities, and group homes for individuals with psychiatric and developmental disabilities.

The Courant uncovered a hidden epidemic, confirming 142 deaths occurring during or after the use of restraint or seclusion.

One of those 142 was an 11-year-old boy from my home State of Connecticut. He was restrained face-down in a position that restricted his air flow. He died as a result.

In response, I led the charge to establish Federal standards to prevent the misuse of these practices. I helped pass The Children's Health Act of 2000, which included the Compassionate Care

Act that I originally drafted to put these standards in place in certain hospitals and residential facilities. We wanted to include schools in this legislation, but were unable to do so. Sadly, the need could not have been greater.

Over the past year, reports from the National Disability Rights Network, NDRN, the Alliance to Prevent Restraint, Aversive Interventions, and Seclusion, APRAIS, the Council of Parent Attorneys and Advocates, Inc., COPAA, and the Government Accountability Office, GAO, have painted a picture disturbingly similar to the one the Hartford Courant discovered more than a decade ago.

The statistics are chilling—hundreds of incidents of physical injury, psychological trauma, even death—but the stories are devastating.

Here are some of the examples the GAO found in their report released on May 19, 2009.

A 14-year-old boy was restrained face-down by a teacher because he would not stay seated in class. The 230 lb. teacher sat on the 129 lb. boy, restricting his airflow and resulting in the boy's death.

A 4-year-old girl with cerebral palsy and autism was restrained in a wooden chair with leather straps for being "uncooperative."

In one school district, children with disabilities as young as 6 years old were allegedly placed in strangleholds, restrained for extended periods of time, confined to dark rooms, tethered to ropes, and prevented from using the restroom until they urinated on themselves.

To be clear, school personnel mean no harm, and my concern signifies no disrespect for the difficult job they do or the dangers they sometimes face.

But these tragic stories reflect inadequate training, and a lack of resources on the local level to implement effective interventions, such as school-wide positive behavioral supports.

Just as students have a right to learn in a safe environment, educators have a right to work in a safe environment. They should be provided with training and support to prevent injury to themselves and others.

In some States, like Connecticut, parents have successfully advocated for laws that provide these resources, as well as guidelines to ensure that they are used effectively.

But the patchwork of State laws and regulations is confusing.

According to the GAO study, 19 States have no law or regulations concerning restraint and seclusion in schools.

Some laws apply to only certain schools or situations.

Some apply to restraint but not seclusion.

Only 19 States require parental notification.

Only 17 States require staff training. Only 8 specifically prohibit restraints that restrict air flow.

Furthermore, this patchwork is obviously inadequate; according to a report

by COPPA, over 71 percent of the 185 incidents they identified occurred in schools with no positive behavioral interventions or supports.

Therefore, I rise today to introduce the Preventing Harmful Restraint and Seclusion in Schools Act, a bill that will address this void.

It will establish clear minimum standards for the use of restraint and seclusion in schools, closely based on the Children's Health Act of 2000. It will also provide resources to assist with policy implementation and provide school personnel with necessary tools, training, and support.

Finally, it will improve data collection, analysis, and identification of effective practices to prevent and reduce restraint and seclusion in schools, so we may better understand the scope of the problem and the effectiveness of our solutions.

Specifically, the legislation will prohibit the use of restraint and seclusion in schools unless the student's behavior imposes an immediate danger of physical injury and less restrictive interventions would be ineffective.

It will prohibit the use of mechanical, chemical, and physical restraints that restrict air flow to the lungs.

It will require adequate training and state certification of school personnel imposing restraint or seclusion, immediate parental notification when such an incident occurs, and debriefing to prevent future incidents.

As a condition of receiving federal education funding, states will be required to submit annual plans to the Secretary of Education which describe their restraint and seclusion policies, and certify that minimum standards are being met.

States will also be required to report annually the total number of incidents of restraint and seclusion, disaggregated by demographic and other categories.

In order to assist States, local educational agencies, and schools with implementing policies and procedures to meet the minimum standards, competitive grants will be provided. Grants will also assist with the implementation of school-wide positive behavioral supports to further prevent incidents of restraint and seclusion.

Finally, the Department of Education will conduct, and provide to Congress, a national assessment which analyzes data on restraint and seclusion and effective practices in preventing and reducing incidents. This will provide us with a more accurate picture of the extent of restraint and seclusion in schools and help direct additional future efforts to ensure that our children and those who educate them are safe.

I want to thank the many organizations representing individuals with disabilities, students, teachers, and schools that all came to the table with recommendations. I am also grateful to Secretary Duncan for his leadership on this issue. Finally, I want to thank my

colleague and good friend Chairman GEORGE MILLER in the House of Representatives. Today, he's introducing companion legislation, and I look forward to working with him to make it law.

Every child has a right to be safe in the place where they go to learn and grow. Every educator deserves the training and support they need to do their jobs safely and effectively. This legislation will help to prevent tragedies in our schools. I am proud to introduce it today, and I urge my colleagues to join me.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 2861. A bill to amend the Trade Act of 1974 to establish an Assistant United States Trade Representative for Small Business, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today with my colleague, Senate Small Business Committee Chair LANDRIEU, to introduce the Small Business Trade Representation Act of 2009. This bipartisan measure would once and for all establish an Assistant United States Trade Representative for Small Business, to ensure that small businesses are represented in trade negotiations and in U.S. trade policy.

I first introduced legislation in 2001, in the 107th Congress, to establish a United States Trade Representative for Small Business, in order to ensure that small business interests are reflected in U.S. trade policy and trade agreement negotiations. Since that time, we've heard excuse after excuse, from Administrations of both parties, about why we don't need an Assistant USTR for Small Business. Currently, less than one percent of all small businesses are exporting their goods and services to foreign customers. Until we see significant gains in small business participation in international trade, we must make it a priority across the Federal government—and especially in our trade policy—to help small businesses compete in the global marketplace.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, and as a senior member of both the Senate Finance and Commerce Committees, one of my top priorities is to ensure that small businesses get the promised benefits of our international trade relationships and are able to compete in the world economy.

While globalization has created opportunities for U.S. small businesses to sell their goods and services in new markets, not enough small businesses are taking advantage of these international prospects. In fact, according to the U.S. Department of Commerce, less than one percent of the approximately 27 million U.S. small businesses currently sell their products to foreign buyers. Small businesses are a vital source of economic growth and job creation, generating nearly 3/4 of net new jobs each year. Small businesses are essential to our economic recovery, and

we must help them take advantage of all potential opportunities, including those in foreign markets.

Small businesses can survive, diversify, and compete effectively in the international marketplace by developing an export business. But, as I mentioned, too few small businesses are expanding into international markets. This legislation will help ensure that small businesses are a priority in the U.S. government's trade policy and in future trade agreements.

We cannot overlook the impact of trade on small businesses. An investment in small business exporting assistance is an investment in our economy. I ask all of my Senate colleagues to support this vital legislation.

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. 2861

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 "Small Business Trade Representation Act of 2009".

SEC. 2. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.

(a) ESTABLISHMENT OF POSITION.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended by adding at the end the following new paragraph:

"(6)(A) There is established within the Office the position of Assistant United States Trade Representative for Small Business, who shall be appointed by the United States Trade Representative.

"(B) The Assistant United States Trade Representative for Small Business shall—

"(i) promote the trade interests of small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662));

"(ii) advocate for the reduction of foreign trade barriers with respect to the trade issues of small-business concerns that are exporters;

"(iii) collaborate with the Administrator of the Small Business Administration with respect to the trade issues of small-business concerns;

"(iv) assist the United States Trade Representative in developing trade policies that increase opportunities for small-business concerns in foreign and domestic markets, including policies that reduce trade barriers for small-business concerns; and

"(v) perform such other duties as the United States Trade Representative may direct.

"(C) The Assistant United States Trade Representative for Small Business shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code."

(b) CONFORMING REPEAL.—Section 2112 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3812) is repealed.

(c) TECHNICAL CORRECTIONS.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171), as amended by subsection (a), is further amended—

(1) in subsection (c), by moving paragraph (5) 2 ems to the left; and

(2) in subsection (e)—

(A) in paragraph (1), by striking "5314" and inserting "5315"; and

(B) in paragraph (2), by striking "the maximum rate of pay for grade GS-18 as provided in section 5332" and inserting "the maximum rate of pay for level IV of the Executive Schedule in section 5315".

Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 2862. A bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today with my colleague, Senate Small Business Committee Chair LANDRIEU, to introduce the Small Business Export Enhancement and International Trade Act of 2009. This bipartisan measure would provide improved and expanded support for small businesses, through critical programs and reforms, to ensure that, as we emerge from this protracted recession, American small businesses are primed for success in the global marketplace and are able to create and sustain high-paying jobs.

I would like to thank Chair LANDRIEU for her efforts on this critical issue and for working with me and my staff to merge our respective bills into one bipartisan measure that will help small businesses stay competitive, help them grow, and speed the recovery of our economy as a whole.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, and as a senior member of both the Senate Finance and Commerce Committees, one of my top priorities is to ensure that small businesses get the promised benefits of our international trade relationships and are able to compete in the world economy.

While globalization has created opportunities for U.S. small businesses to sell their goods and services in new markets, not enough small businesses are taking advantage of these international prospects. In fact, according to the U.S. Department of Commerce, less than one percent of the approximately 27 million U.S. small businesses currently sell their products to foreign buyers. Small businesses are a vital source of economic growth and job creation, generating nearly ⅔ of net new jobs each year. Small businesses are essential to our economic recovery, and we must help them take advantage of all potential opportunities, including those in foreign markets.

Small businesses face particular challenges in exporting. It can be difficult for small exporting firms to secure the working capital needed to fulfill foreign purchase orders, for instance, because many lenders won't lend against export orders or export receivables. Small business owners may not know how to connect with foreign buyers, or may not have the time or resources necessary to understand other countries' rules and regulations.

Currently, Federal programs are grossly inadequate at helping small businesses overcome the challenges of exporting. The Small Business Export

Enhancement and International Trade Act, which we are introducing today, gives small businesses the critical resources and assistance needed to explore potential export opportunities, or to expand their current export business.

Our bipartisan legislation includes provisions from bills I have introduced in past Congresses, since the 109th, to elevate the head of the Small Business Administration, SBA, office responsible for trade and export programs to the Associate Administrator-level, reporting directly to the administrator.

Further, it includes all of the key provisions from the small business trade bill that I introduced earlier this year, S. 1208, the Small Business Export Opportunity Development Act of 2009. These critical provisions would bolster the SBA's technical assistance programs and improve export financing programs to ensure that small businesses have access to the capital needed to support export sales. The legislation also increases the coordination among other federal agencies—the Department of Commerce, the Office of the U.S. Trade Representative, and the Export-Import Bank—to ensure that small businesses benefit from all the export assistance the Federal Government offers.

This legislation also includes a program I proposed earlier this year in S. 1208 to provide grants to help small businesses start or expand export activity, such as participation in foreign trade missions, foreign market sales trips, training workshops and payment of website translation fees. It also improves the SBA's network of international trade counselors and enhances the export assistance provided to small business clients through the Small Business Development Center network, which has over 1,000 locations nationwide.

Our bill increases the maximum size of SBA-guaranteed export working capital and international trade loans from a current level of \$2 million to a new level of \$5 million, consistent with the levels established in my bill, S. 1615, the Next Steps for a Main Street Recovery Act, which I introduced in August and the President called for last month. This bill also establishes a permanent Export Express program, a streamlined, expedited loan program to get capital to exporters quickly and efficiently, so they can focus on the terms of the sale and preparing their product for shipment. It also establishes a program to provide support for small businesses related to trade disputes and unfair international trade practices, which is critical for our entrepreneurs who have suffered from illegal activities by our trading partners.

Small businesses can survive, diversify, and compete effectively in the international marketplace by developing an export business. But, as I mentioned, too few small businesses are expanding into international markets. This legislation will help small

business owners take the crucial steps of finding international buyers for their goods and services and will enable small business owners to secure the financing needed to fill orders from foreign buyers.

This investment could yield tremendous returns for our economy. The United States spends just one-sixth of the international average on export promotion and assistance among developed countries in promoting small businesses exports. Every additional dollar spent on export promotion results in a 40-fold increase in exports, according to a World Bank study.

We cannot overlook the impact of trade on small businesses. An investment in small business exporting assistance is an investment in our economy. I ask all of my Senate colleagues to support this vital legislation.

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

S. 2862

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 “Small Business Export Enhancement and International Trade Act of 2009”.

SEC. 2. DEFINITIONS.

(a) DEFINITIONS.—In this Act—

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

(2) the term “Associate Administrator” means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this Act;

(3) the term “Export Assistance Center” means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

(4) the term “rural small business concern” means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986; and

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term ‘small business development center’ means a small business development center described in section 21.

“(u) REGION OF THE ADMINISTRATION.—In this Act, the term ‘region of the Administration’ means the geographic area served by a regional office of the Administration established under section 4(a).”

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking “Administration district and region” and inserting “district and region of the Administration”.

SEC. 3. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “SEC. 22. (a) There” and inserting the following:

“SEC. 22. OFFICE OF INTERNATIONAL TRADE.

“(a) ESTABLISHMENT.—

“(1) OFFICE.—There”; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting “for the primary purposes of increasing—

“(A) the number of small business concerns that export; and

“(B) the volume of exports by small business concerns.”; and

(B) by adding at the end the following:

“(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following: “One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.”

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator has direct supervision and control over—

“(A) the staff of the Office; and

“(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.”

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 4. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

“(1) maintain a distribution network, using regional and district offices of the Administration, the small business develop-

ment center network, networks of women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

“(A) trade promotion;

“(B) trade finance;

“(C) trade adjustment assistance;

“(D) trade remedy assistance; and

“(E) trade data collection;

“(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

“(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

“(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

“(A) accompany small business concerns on foreign trade missions; and

“(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.”;

(2) in subsection (c)—

(A) by striking “(c) The Office” and inserting the following:

“(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator”;

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

“(1) establish annual goals for the Office relating to—

“(A) enhancing the exporting capability of small business concerns and small manufacturers;

“(B) facilitating technology transfers;

“(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

“(D) increasing the ability of small business concerns to access capital;

“(E) disseminating information concerning Federal, State, and private programs and initiatives; and

“(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;”;

(D) in paragraph (2), as so redesignated, by striking “mechanism for” and all that follows through “(D) assisting” and inserting the following: “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting”;

(E) in paragraph (3), as so redesignated, by striking “assist small businesses in the formation and utilization of” and inserting “assist small business concerns in forming and using”;

(F) in paragraph (4), as so redesignated—

(i) by striking “local” and inserting “district”;

(ii) by striking “existing”;

(iii) by striking “Small Business Development Center network” and inserting “small business development center network”; and

(iv) by striking “Small Business Development Center Program” and inserting “small business development center program”;

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking “Gross State Produce” and inserting “Gross State Product”;

(ii) in subparagraph (B), by striking “SIC” each place it appears and inserting “North American Industry Classification System”; and

(iii) in subparagraph (C), by striking “small businesses” and inserting “small business concerns”;

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “concerns” after “small business”; and

(II) by striking “current” and inserting “up to date”;

(ii) in subparagraph (A), by striking “Administration’s regional offices” and inserting “regional and district offices of the Administration”;

(iii) in subparagraph (B) by striking “current”;

(iv) in subparagraph (C), by striking “current”; and

(v) by striking “small businesses” each place that term appears and inserting “small business concerns”;

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “full-time export development specialists to each Administration regional office and assigning”; and

(II) by striking “person in each district office. Such specialists” and inserting “individual in each district office and providing each Administration regional office with a full-time export development specialist, who”;

(ii) in subparagraph (B)—

(I) by striking “current”; and

(II) by striking “with” and inserting “in”;

(iii) in subparagraph (D)—

(I) by striking “Administration personnel involved in granting” and inserting “personnel of the Administration involved in making”; and

(II) by striking “and” at the end;

(iv) in subparagraph (E)—

(I) by striking “small businesses’ needs” and inserting “the needs of small business concerns”; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

“(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

“(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, small business development centers, women’s business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies.”; and

(vi) by striking “small businesses” each place that term appears and inserting “small business concerns”; and

(L) by adding at the end the following:

“(10) make available on the website of the Administration the name and contact infor-

mation of each individual described in paragraph (9);

“(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

“(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

“(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.”;

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking “(d) The Office” and inserting the following:

“(d) EXPORT FINANCING PROGRAMS.—

“(1) IN GENERAL.—The Associate Administrator”; and

(C) by striking “To accomplish this goal, the Office shall work” and inserting the following:

“(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

“(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

“(B) work”;

(4) in subsection (e), by striking “(e) The Office” and inserting the following:

“(e) TRADE REMEDIES.—The Associate Administrator”;

(5) by amending subsection (f) to read as follows:

“(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

“(1) a description of the progress of the Office in implementing the requirements of this section;

“(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

“(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

“(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

“(5) a description of the participation by the Office in trade negotiations.”;

(6) in subsection (g), by striking “(g) The Office” and inserting the following:

“(g) STUDIES.—The Associate Administrator”; and

(7) by adding after subsection (h), as added by section 3 of this Act, the following:

“(i) EXPORT AND TRADE COUNSELING.—

“(1) DEFINITION.—In this subsection—

“(A) the term ‘lead small business development center’ means a small business development center that has received a grant from the Administration; and

“(B) the term ‘lead women’s business center’ means a women’s business center that has received a grant from the Administration.

“(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women’s business centers in providing export assistance to small business concerns.

“(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

“(A) 5; or

“(B) 10 percent of the total number of employees of the lead small business development center.

“(4) REIMBURSEMENT FOR CERTIFICATION.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women’s business center for costs relating to the certification of an employee of the lead small business center or lead women’s business center in providing export assistance under the program established under paragraph (2).

“(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

“(j) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

“(A) the number of small business concerns that—

“(i) receive assistance from the Administration;

“(ii) had not exported goods or services before receiving the assistance described in clause (i); and

“(iii) export goods or services;

“(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

“(C) export revenues by small business concerns assisted by programs of the Administration;

“(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

“(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

“(F) the number of small business concerns referred to the Export-Import Bank of the United States or to the Overseas Private Investment Corporation by the staff of the Office, an Export Assistance Center, or a small business development center.

“(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

“(A) section 7(a)(16);

“(B) the Export Working Capital Program established under section 7(a)(14);

“(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

“(D) the export express program established under section 7(a)(34).

“(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.”.

(b) TRADE DISPUTES.—The Administrator shall carry out a comprehensive program to provide technical assistance, counseling, and reference materials to small business concerns relating to resources, procedures, and requirements for mechanisms to resolve international trade disputes or address unfair international trade practices under international trade agreements or Federal law, including—

(1) directing the district offices of the Administration to provide referrals, information, and other services to small business concerns relating to the mechanisms;

(2) entering agreements and partnerships with providers of legal services relating to the mechanisms, to ensure small business concerns may affordably use the mechanisms; and

(3) in consultation with the Director of the United States Patent and Trademark Office and the Register of Copyrights, designing counseling services and materials for small business concerns regarding intellectual property protection in other countries.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall 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 on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 5. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this Act, is amended by adding at the end the following:

“(k) EXPORT ASSISTANCE CENTERS.—

“(1) EXPORT FINANCE SPECIALISTS.—

“(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after January 1, 2010, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

“(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

“(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

“(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

“(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

“(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

“(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

“(1) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade described in subsection (a)(2);

“(2) the term ‘Export Assistance Center’ means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

“(3) the term ‘export finance specialist’ means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

“(4) the term ‘Office’ means the Office of International Trade established under subsection (a)(1).”.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) 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 containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term “export finance specialist” has the meaning given that term in section 22(1) of the Small Business Act, as added by this Act.

SEC. 6. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000, of which not more than \$4,000,000”.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (B)” and inserting “subparagraphs (B), (D), and (E)”; and

(B) in subparagraph (D), by striking “Notwithstanding subparagraph (A), in” and inserting “In”; and

(C) by adding at the end the following:

“(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.”.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking “in—” and inserting “—”;

(2) in clause (i)—

(A) by inserting “in” after “(i)”; and

(B) by striking “or” at the end;

(3) in clause (ii)—

(A) by inserting “in” after “(ii)”; and

(B) by striking the period at the end and inserting “, including any debt that qualifies for refinancing under any other provision of this subsection; or”; and

(4) by adding at the end the following:

“(iii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.”.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking “Each loan” and inserting the following:

“(i) IN GENERAL.—Except as provided in clause (ii), each loan”; and

(2) by adding at the end the following:

“(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.”.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking “not exceed” and inserting “be”; and

(2) in paragraph (14)—
 (A) by striking “(A) The Administration” and inserting the following: “EXPORT WORKING CAPITAL PROGRAM.—
 “(A) IN GENERAL.—The Administrator”;
 (B) by striking “(B) When considering” and inserting the following:
 “(C) CONSIDERATIONS.—When considering”;
 (C) by striking “(C) The Administration” and inserting the following:
 “(D) MARKETING.—The Administrator”; and
 (D) by inserting after subparagraph (A) the following:
 “(B) TERMS.—
 “(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.
 “(ii) FEES.—
 “(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.
 “(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.”.
 (e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—
 (1) by redesignating clause (ii) as clause (iii); and
 (2) by inserting after clause (i) the following:
 “(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.”.
 (f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—
 (1) by striking “(32) INCREASED VETERAN” and inserting “(33) INCREASED VETERAN”; and
 (2) by adding at the end the following:
 “(34) EXPORT EXPRESS PROGRAM.—
 “(A) DEFINITIONS.—In this paragraph—
 “(i) the term ‘export development activity’ includes—
 “(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;
 “(II) participation in a trade show that takes place outside the United States;
 “(III) translation of product brochures or catalogues for use in markets outside the United States;
 “(IV) obtaining a general line of credit for export purposes;
 “(V) performing a service contract from buyers located outside the United States;
 “(VI) obtaining transaction-specific financing associated with completing export orders;
 “(VII) purchasing real estate or equipment to be used in the production of goods or services for export;
 “(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and
 “(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and
 “(ii) the term ‘express loan’ means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.
 “(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express

loan to a small business concern made for an export development activity.
 “(C) LEVEL OF PARTICIPATION.—
 “(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.
 “(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—
 “(I) 90 percent of a loan that is not more than \$350,000; and
 “(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000.”.
 (g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:
 “(F) LIST OF EXPORT FINANCE LENDERS.—
 “(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—
 “(I) this paragraph;
 “(II) paragraph (14); or
 “(III) paragraph (34).
 “(ii) AVAILABILITY OF LIST.—The Administrator shall—
 “(I) post the list published under clause (i) on the website of the Administration; and
 “(II) make the list published under clause (i) available, upon request, at each district office of the Administration.”.
 (h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.
SEC. 7. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.
 (a) DEFINITIONS.—In this section—
 (1) the term “eligible small business concern” means a small business concern that—
 (A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;
 (B) is operating profitably, based on operations in the United States;
 (C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator;
 (D) has in effect a strategic plan for exporting; and
 (E) agrees to provide to the Associate Administrator such information and documentation as is necessary for the Associate Administrator to determine that the small business concern is in compliance with the internal revenue laws of the United States;
 (2) the term “program” means the State Trade and Export Promotion Grant Program established under subsection (b);
 (3) the term “small business concern owned and controlled by women” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);
 (4) the term “socially and economically disadvantaged small business concern” has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and
 (5) 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.
 (b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;
 (2) a foreign market sales trip;
 (3) a subscription to services provided by the Department of Commerce;
 (4) the payment of website translation fees;
 (5) the design of international marketing media;
 (6) a trade show exhibition;
 (7) participation in training workshops; or
 (8) any other export initiative determined appropriate by the Associate Administrator.
 (c) GRANTS.—
 (1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.
 (2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—
 (A) focuses on eligible small business concerns as part of an export promotion program;
 (B) demonstrates success in promoting exports by—
 (i) socially and economically disadvantaged small business concerns;
 (ii) small business concerns owned or controlled by women; and
 (iii) rural small business concerns;
 (C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and
 (D) promotes new-to-market export opportunities to the People’s Republic of China for eligible small business concerns in the United States.
 (3) LIMITATIONS.—
 (A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.
 (B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 50 percent of the amounts appropriated for the program for that fiscal year.
 (4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.
 (d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.
 (e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—
 (1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and
 (2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.
 (f) REPORTS.—
 (1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator 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, which shall include—
 (A) a description of the structure of and procedures for the program;
 (B) a management plan for the program; and
 (C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual 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 program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(g) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration 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 review conducted under paragraph (1).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$15,000,000 for each of fiscal years 2010, 2011, and 2012.

(i) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 8. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, 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 that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling pro-

grams and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 9. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking “(2) The Small Business Development Centers” and inserting the following:

“(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

“(A) INFORMATION AND SERVICES.—The small business development centers”; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting “(including State trade agencies),” after “local agencies”; and

(B) by adding at the end the following:

“(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

“(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

“(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

“(C) DEFINITION.—In this paragraph, the term ‘Export Assistance Center’ has the same meaning as in section 22.”.

SEC. 10. SMALL BUSINESS TRADE POLICY.

(a) NOTIFICATION BY USTR.—Not later than 90 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the United States Trade Representative shall notify the Administrator of the date the negotiation will begin.

(b) RECOMMENDATIONS.—Not later than 30 days before the United States Trade Representative begins a negotiation with regard to any trade agreement, the Administrator shall present to the United States Trade Representative recommendations relating to the needs and concerns of small business concerns that are exporters.

Ms. LANDRIEU. Mr. President, as chair of the Committee on Small Business and Entrepreneurship, I am pleased to join the committee’s ranking member, OLYMPIA SNOWE of Maine, in introducing the Small Business Export Enhancement and International Trade Act of 2009. Building upon legislation that I have introduced in the last three Congresses, including, S. 1196 the Small Business International Trade Enhancements Act of 2009 that I introduced in June of this year, this bipartisan legislation will ensure that small businesses seeking to export their goods and services will have access to the resources they need to successfully expand into foreign markets. With health premiums increasing more each year and cash registers at home not ringing like they used to, exporting has become a practical solution for small firms. Expanding opportunities for small business trade is not only vital to the financial security of our entrepreneurs, it is vital to the recovery of our economy.

Last year, \$70 billion in exports maintained or created 600,000 high-pay-

ing American jobs. By creating jobs, as well as lessening the trade deficit, an increase in small business exporting will lead us out of this recession and make our nation better able to compete in the global marketplace. Furthermore, any investments we make in export programs will essentially pay for themselves. Every dollar invested in export programs increases exports by 40 percent, a World Bank study found.

In my home State of Louisiana, we have experienced firsthand the benefit of expanding and investing in export opportunities. With over 40 ports and an extensive rail system, Louisiana has long been a top destination for companies seeking to export their goods and services, particularly exporters. Despite the devastation caused by Hurricanes Katrina and Rita, Louisiana has experienced a tremendous growth in trade activity during the last five years, largely due to increased exports. For example, in 2008 alone, Louisiana exported nearly \$41.9 billion dollars worth of goods and services, representing a 38-percent increase from 2007, more than triple the national export growth rate for that year.

However, while most of our Nation’s exporters—about 97 percent—are small businesses, most of our small businesses are not exporting. In fact, small businesses make up just more than a quarter of the country’s export volume—trade remains dominated by larger businesses. This is also true in Louisiana where, despite tremendous growth in exports in recent years, small businesses represent 85 percent of exporting companies, but account for only 30 percent of the export volume. What is holding our entrepreneurs back?

As chair of the Committee on Small Business and Entrepreneurship, I have heard from small exporters across the country. I held a roundtable on June 11—“Entrepreneurial Development: Investing in Small Businesses to Strengthen our Economy”—to hear from small business and exporting leaders. I also held a field hearing in New Orleans on June 30—“Keeping America Competitive: Federal Programs that Promote Small Business Exporting”—at which United States Trade Representative, Ambassador Ron Kirk, U.S. Small Business Administration, SBA, Administrator Karen Mills, U.S. Export-Import Bank Chairman and President Fred Hochberg and several small exporters testified. At these events, small exporters told me that the programs and services at the Small Business Administration, SBA, and other Federal agencies are helpful—but they are not doing everything they could and should do. Better coordination and improvements to the programs are needed.

Like many small businesses, one of the biggest hurdles faced by small exporters is access to capital. The current economic conditions exacerbate this problem for small firms. The SBA

offers several loan programs to help small exporters, but years of neglect under the previous administration have sometimes rendered these valuable tools both unattractive and impractical for borrowers and lenders alike.

One of these programs is the International Trade Loan, ITL, program. This program allows exporters to borrow up to \$2 million with \$1.75 million guaranteed by the SBA. Exporters can then use this money to help develop and expand overseas markets, upgrade equipment and facilities or provide an infusion of capital if they are being hurt by import competition.

While the original goal of this program is on target with the needs of larger exporters, it has not evolved to meet the financing needs of small exporters in an ever-changing global economy. The volume of loans made through this program has dropped by more than 90 percent since 2003. The SBA's other signature trade financing product—the Export Working Capital Program—has also seen a significant drop in its loan volume, declining by more than 31 percent over the same period.

With a few small but significant changes to these programs, the SBA will once again be able to provide a user friendly and attractive financing option that makes sense for both borrowers and lenders. For example, one of the biggest problems with the ITL program is a discrepancy between the loan cap and the guarantee, forcing borrowers to take out a second loan to take full advantage of the guarantee. Additionally, ITL's can only be used to acquire fixed assets, rather than working capital, a common need for exporters. ITL's also do not have the same collateral or refinancing terms as SBA 7(a) loans.

The provisions in this legislation, and previous versions of the legislation that I have introduced in the last three Congresses, address these concerns. The bill raises the loan guarantee to \$4.5 million and the loan cap to \$5 million, makes working capital an eligible use of proceeds, and extends the 7(a) program's terms for collateral and refinancing. The end result is a more relevant and more practical tool for small exporters.

By making these simple changes and requiring the agency to publish an annual list of all participating banks and lending institutions, the SBA's export finance programs will once again provide small exporters with the practical and modern financing options small businesses need and deserve. These programs, however, are only useful if a small business owner can identify which loan products are right for them. Local lenders that specialize in export financing can help get these products into the hands of the small exporters that need them the most, but they are not always the most effective ones to do so.

The SBA has 18 finance specialists posted at one-stop assistance centers

throughout the country operated by the Department of Commerce. These specialists, at a minimal cost, have facilitated more than \$10 billion in exports in the last 10 years, helping to create 140,000 new and higher paying jobs. Unfortunately, this program suffered staff cuts under the previous administration. Legislation that I introduced earlier this year, S. 1196, as well as other version of this legislation that I have introduced in previous Congresses, would restore the staffing levels to what they were in 2002, establishing a floor of 22 export finance specialists with priority staffing going to those centers who have been without a finance specialist since 2003. I am pleased that Ranking Member SNOWE has included language from my legislation establishing a minimum staffing level for the program and I applaud her efforts to expand the program at a realistic rate by requiring that no fewer than three export finance specialists are assigned to each SBA region within two years of enactment. I am also pleased that the bill includes language that I proposed, requiring the SBA to conduct a reoccurring, biannual study on the availability of export finance specialists in high and low export volume areas. This will ensure that future assignment of SBA personnel and resources are allocated to the areas with the greatest need.

With more than 20 federal agencies involved in export and trade promotion, small exporters often don't know where to turn for help, or even that help—like the local finance specialists—even exist. This legislation would help bring small business trade to the forefront in two ways:

First, it gives the SBA's Office of International Trade, OIT, more resources and a higher profile within the Agency, making it directly accountable to the Administrator instead of part of the Office of Capital Access, OCA, where it is currently housed. It also requires that OIT make numerous internal improvements by requiring the office to: maintain a trade information distribution network in partnership with other Federal agencies and SBA resource partners; properly staff and clarify the role of existing OIT positions in both regional and district offices; provide more coordinated training between employees of the office and lenders, small exporters and other resource partners; develop a comprehensive trade dispute technical assistance program; and finally, to develop targeted annual goals and performance metrics. OIT is doing an adequate job now, but with these proposed changes, the office would have the potential to become a more robust partner and visible advocate for small exporters seeking assistance from the SBA. I have long advocated for these simple yet important changes and I am pleased they made it into the final legislation.

In addition to improving the coordination and advocacy among Federal

agencies and making needed changes to existing SBA resources, this bill seeks to increase the number of small businesses involved in exporting by using State resources more effectively. It does this by creating the State Trade and Export Promotion, STEP, program, a 3-year pilot grant program modeled after the SBA's successful SBIR-FAST program. Unlike existing Federal programs which tend to focus their resources in States that already possess a high percentage of small exporters or a large export volume, STEP seeks to reach small businesses in States with minimal export assistance resources to target businesses that typically do not export their goods and services. I have worked closely with the small business community in Louisiana and I believe that this program will have a tremendous impact not only in my State, but also nationally.

Finally, this legislation requires the SBA to report back to the committee on their efforts to promote exports to small businesses located in rural areas. With the technology that we possess today, there is no reason why a small business located in a rural or traditionally nonexporting area shouldn't have access to the same opportunities available to those located in urban, or high-export areas. Creating access to exporting opportunities for rural small businesses could lead to the creation of new jobs and increased development in these communities, especially in Louisiana. I am pleased this language was included in this bill.

The Small Business Export Enhancement and International Trade Act of 2009 is an important first step toward ensuring that small firms will have more opportunities to grow. By increasing exporting opportunities for small businesses, we will help them expand into international markets, create new and higher-paying jobs and strengthen the economy. I have heard from some of the members of my committee and I know how important this issue is to many of them, especially Ranking Member SNOWE whom I have worked closely with these past months to develop this comprehensive, bipartisan bill. I thank Senator SNOWE for her attention to this issue and strong willingness to make the changes our small exporters so desperately need.

The 111th Congress will be the third consecutive Congress that I have introduced or cosponsored legislation to help our small exporters. I introduced a version of this legislation in the 109th Congress as S.3663, in the 110th Congress as S. 738 and earlier this year as S. 1196. In these previous Congresses we have had some success in moving the provisions through committee, but as with other SBA reauthorization legislation, it stalled in the full Senate. As the new chair of the Committee on Small Business and Entrepreneurship this Congress, I have made increasing small business export opportunities one of the committee's top priorities and will continue to do so in the future. I am pleased to join Ranking

Member SNOWE in introducing this legislation and will continue to work closely with her and other members of the committee in the coming months to bring this legislation to the President's desk.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 373—DESIGNATING THE MONTH OF FEBRUARY 2010 AS “NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH”

Mr. CRAPO (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 373

Whereas dating, domestic, and sexual violence affect women regardless of their age, and teens and young women are especially vulnerable;

Whereas, approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

Whereas nationwide, 1 in 10 high school students (9.9 percent) has been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend;

Whereas more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive;

Whereas 20 percent of teen girls exposed to physical dating violence did not attend school because the teen girls felt unsafe either at school, or on the way to or from school, on 1 or more occasions in a 30-day period;

Whereas violent relationships in adolescence can have serious ramifications for victims by putting the victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas being physically and sexually abused leaves teen girls up to 6 times more likely to become pregnant and more than 2 times as likely to report a sexually transmitted disease;

Whereas nearly 3 in 4 children ages 11 to 14 (referred to in this preamble as “tweens”), say that dating relationships usually begin at age 14 or younger and about 72 percent of eighth and ninth graders report “dating”;

Whereas 1 in 5 tweens say their friends are victims of dating violence and nearly ½ of tweens who are in relationships know friends who are verbally abused;

Whereas more than 3 times as many tweens (20 percent) as parents of tweens (6 percent) admit that parents know little or nothing about the dating relationships of tweens;

Whereas teen dating abuse most often takes place in the home of 1 of the partners;

Whereas a majority of parents surveyed believe they have had a conversation with their teen about what it means to be in a healthy relationship, but the majority of teens surveyed said that they have not had a conversation about dating abuse with a parent in the past year;

Whereas digital abuse and “sexting” is becoming a new frontier for teen dating abuse;

Whereas 1 in 4 teens in a relationship say they have been called names, harassed, or put down by their partner through cellphones and texting;

Whereas 3 in 10 young people have sent or received nude pictures of other young people

on their cell or online, and 61 percent who have “sexted” report being pressured to do so at least once;

Whereas targets of digital abuse are almost 3 times as likely to contemplate suicide as those who have not encountered such abuse (8 percent vs. 3 percent), and targets of digital abuse are nearly 3 times more likely to have considered dropping out of school;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence;

Whereas primary prevention programs are a key part of addressing teen dating violence and many successful community examples include education, community outreach, and social marketing campaigns that also understand the cultural appropriateness of programs;

Whereas skilled assessment and intervention programs are also necessary for youth victims and abusers; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, and families regardless of socioeconomic status, race, or sex: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of February 2010, as “National Teen Dating Violence Awareness and Prevention Month”;

(2) supports communities to empower teens to develop healthier relationships; and

(3) calls upon the people of the United States, including youth and parents, schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Month with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence in their communities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3079. Mr. ROBERTS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 3080. Mr. ENSIGN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3081. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3082. Mr. BURR (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3083. Mr. BURR submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3084. Mr. AKAKA (for himself, Mr. INOUE, Mrs. LINCOLN, and Mr. BINGAMAN)

submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3085. Mrs. LINCOLN (for herself, Mr. DURBIN, Mr. KERRY, Ms. LANDRIEU, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3086. Ms. CANTWELL (for herself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3087. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3088. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3089. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3090. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3091. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3092. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3093. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3094. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3095. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3096. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3097. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3098. Mr. CASEY (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 2786