BROWNBACK) was added as a cosponsor of S. 956, a bill to amend title XVIII of the Social Security Act to exempt unsanctioned State-licensed retail pharmacies from the surety bond requirement under the Medicare Program for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS).

S. 984

At the request of Mrs. BOXER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 990

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1023

At the request of Mr. DORGAN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Hawaii (Mr. AKAKA), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Mr. CARDIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1023, a bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1026

At the request of Mr. CORNYN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1034

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1034, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics.

S. 1050

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was withdrawn as a cosponsor of S. 1050, a bill to amend title XXVII of the Public Health Service Act to establish Federal standards for health insurance forms, quality, fair marketing, and honesty in out-of-network coverage in the group and individual health insurance markets, to improve transparency and accountability in those markets, and to establish a Federal Office of Health Insurance Oversight to monitor performance in those markets, and for other purposes.

S. 1110

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1110, a bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the Commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy.

S. 1147

At the request of Mr. KOHL, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1163

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1163, a bill to add 1 member with aviation safety expertise to the Federal Aviation Administration Management Advisory Council.

S. 1184

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1184, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 23

At the request of Mr. CARDIN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 23, a concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets.

AMENDMENT NO. 1230

At the request of Mr. JOHANNS, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. BENNETT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 1230 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1270

At the request of Mr. CORKER, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1270 intended to be proposed to H.R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

AMENDMENT NO. 1271

At the request of Mr. KOHL, the names of the Senator from Virginia (Mr. WARNER), the Senator from New York (Mr. SCHUMER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1271 intended to be proposed to H. R. 1256, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1196. 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. LANDRIEU. Mr. President, as I come to the floor today, America's Main Street businesses are suffering. With cash registers not ringing like they used to, exporting has become a practical solution for entrepreneurs looking to survive and grow.

What helps our entrepreneurs helps our entire economy. Every $1 billion of exports creates more than 14,000 high-paying 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.

Small businesses already play a vital role in America's trade and commerce,

representing 97 percent of all exporters. Yet, with only one percent of small firms exporting their goods—making up slightly more than a quarter of the country's export volume—trade remains dominated by larger businesses.

A December 2008 report released by the U.S. Census Bureau and the Bureau of Economic Analysis noted that U.S. exports of goods and services grew by 12 percent in 2008 to $1.84 trillion. However, this same data showed that during the same time period imports increased 7.4 percent to $2.52 trillion. More involvement of our small businesses in exporting would be an enormous catalyst in reducing the country's trade deficit.

As Chair of the Committee on Small Business and Entrepreneurship, I have heard from small exporters across the country. They have told me that the programs and services we have now at the Small Business Administration, SBA, are just adequate, but improvements are needed. With a few key changes to some of the export assistance and trade programs offered by the SBA, as well as a higher level of advocacy, I believe we can dramatically improve the tools available to small exporters while simultaneously increasing exporting opportunities for all entrepreneurs.

That is why today I am introducing the Small Business International Trade Enhancements Act of 2009. With this important legislation, small firms will have more opportunities to grow their businesses by expanding into international markets, creating jobs and strengthening our economy.

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 the SBA's signature trade assistance products, the International Trade Loan, ITL, program, is a perfect example of this. This program allows exporters to borrow up to $2 million with $1,750,000 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 still very much 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 63 percent since 2003. The SBA's other signature trade financing products—the Export Working Capital Program and the Export Express program—have also seen significant drop-offs in their loan volume, 26 percent and 23 percent respectively.

With a few small but significant changes to these programs, the SBA will be able to once again provide a user-friendly and attractive financing option that makes sense for both borrowers and lenders. One of the biggest problems with the ITL program, for example, is that a discrepancy between the loan cap and the guarantee often forces 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 create a more commonsense product by addressing these concerns. The bill raises the loan guarantee to $2,750,000 and the loan cap to $3,670,000, to make it consistent with the 7(a) loan program. Further, it makes the ITL program more flexible by allowing working capital to become an eligible use for loan proceeds and extends the same terms for collateral and refinancing as with the 7(a) loan program. The end result is a relevant and more practical tool for small exporters.

Making these simple changes to this program will go a long way towards helping small businesses find adequate export financing. The SBA International Trade Loan and other export financing programs, however, leave borrowers without any assistance in identifying which loans 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 means of doing so.

The SBA currently has 17 financial specialists posted throughout the country at one-stop assistance centers operated by the Department of Commerce. These specialists, at a minimal cost to the taxpayer, have facilitated well over $10 billion in exports in the last 10 years, helping to create 140,000 new and higher-paying jobs. Unfortunately, under the previous administration, this program suffered as well. My legislation would restore the staffing levels to what they were in 2002, establishing a floor of 22 financial specialists with priority staffing going to those centers—including one in my home, New Orleans—who have been without a finance specialist since 2003.

With more than 19 Federal agencies involved in export and trade promotion, small exporters often do not know where to turn for help. My 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 held. OIT is doing an adequate job now, but with my proposed changes, the office would have the potential to become a much more valuable partner and visible advocate for small exporters.

In addition to raising the level of advocacy within the SBA, my legislation reasserts the call for a special small business advocate within the Office of the U.S. Trade Representative USTR. The USTR plays an important role in every aspect of trade in this country. While the Office claims to make small businesses a central focus, I believe more can be done to address the needs of our entrepreneurs during trade negotiations. I, along with my Ranking Member on the Small Business Committee, Senator SNOWE, and Senator SCHUMER, reached out to Ambassador Kirk earlier this year asking him to create an Assistant Trade Representative focused on small exporters. Such a move would not be unprecedented. In fact, this very chamber called on the Office of the U.S. Trade Representative to create such a position more than 20 years ago.

The Small Business International Trade Enhancements Act of 2009 is an important first step towards 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, including Ranking Member SNOWE.

The 111th Congress will be the third consecutive Congress that I have introduced this particular legislation. I introduced it in the 109th Congress as S. 3663 and in the 110th Congress as S. 738. In these previous Congresses we have had some success in moving the bill through committee—a similar version of this bill passed the Senate Small Business Committee twice in the last two Congresses. However, as with other SBA reauthorization legislation, it stalled in the full Senate. As the new Chair of the Small Business Committee this Congress, I have made increasing small business export opportunities one of my top priorities. With this in mind, I will work closely with Ranking Member SNOWE and the other Committee members in the coming months to get this legislation to the President's desk.

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. 1196

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 International Trade Enhancements Act of 2009''.

SEC. 2. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR 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), 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. 3. OFFICE OF INTERNATIONAL TRADE.

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

(1) in subsection (b)—

(A) by striking ''(b) The Office'' and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator'';

(B) in the matter preceding paragraph (1), by inserting ''Export Assistance Centers,'' after ''export promotion efforts,''; and

(C) by amending paragraph (1) to read as follows:

''(1) assist in maintaining a distribution network, using regional and local offices of the Administration, the small business development center network, networks of women's business centers, 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) 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 (5)(A), as so redesignated, by striking ''Gross State Produce'' and inserting ''Gross State Product'';

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

(G) 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 ''office. Such specialists'' and inserting ''office and providing each Administration regional office with a full-time export development specialist, who'';

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

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) 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, and other relevant Federal agencies.'';

(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'';

(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) 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

''(3) 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 addded by section 2 of this Act, the following:

''(i) EXPORT ASSISTANCE CENTERS.—

''(1) IN GENERAL.—During the period beginning on October 1, 2009, and ending on September 30, 2012, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the Export Assistance Centers is not less than the number of such employees so assigned on January 1, 2003.

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

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

''(B) 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.

''(3) 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.

''(4) GOALS.—The Associate Administrator shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Assistance Centers.

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

''(j) 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)); and

''(3) the term 'Office' means the Office of International Trade established under subsection (a)(1).''.

(b) 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, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 4. INTERNATIONAL TRADE LOANS.

(a) IN GENERAL.—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 ''$2,750,000 (or if the gross loan amount would exceed $3,670,000), of which not more than $2,000,000''.

(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) by providing working capital.''.

(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.''.

SEC. 5. SENSE OF CONGRESS RELATING TO ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.

(a) FINDINGS.—Congress finds the following:

(1) According to the Office of Advocacy of the Small Business Administration, small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) represent 97 percent of all exporters in the United States and account for 29 percent of the total exporting volume. Despite the overwhelming majority of exporters that are small business concerns, fewer than 1 percent of all small business concerns in the United States are engaged in trade-related business activities.

(2) According to the Office of Advocacy of the Small Business Administration, more than 72 percent of all exporters in the United States employ fewer than 20 employees. Small business concerns often do not have the sales volume or resources to overcome the costs of trade barriers and overhead expenses in international transactions, nor can small business concerns afford to maintain employees with international trade expertise to resolve trade problems.

(3) Small business advocacy groups often lack political influence in foreign countries, which hinders efforts to solve problems outside the legal process. Small business advocates are not as visible or vocal on issues relating to international trade as are the advocates for other issues, due to a lack of resources for advocacy.

(4) In 1988, Congress passed section 8012 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 631 note), which expressed the sense of Congress that the United States Trade Representative should appoint a special trade assistant for small business. As of June 2009, the position has not been established by the United States Trade Representative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should establish the position of Assistant United States Trade Representative for Small Business, to—

(1) promote the trade interests of small business concerns;

(2) identify and address foreign trade barriers that impede the exportation of goods by small business concerns;

(3) ensure that small business concerns are adequately represented during trade negotiations by the United States Trade Representative; and

(4) coordinate with other Federal agencies that are responsible for providing information or assistance to small business concerns.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. SCHUMER, and Mr. CARPER):

S. 1200. A bill to establish a temporary vehicle trade-in program through which the Secretary of Transportation shall provide financial incentives for consumers to replace fuel inefficient vehicles with vehicles that have above average fuel efficiency; to the Committee on the Budget.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to establish a Cash for Clunkers proposal with my colleagues, Senators SUSAN COLLINS, CHARLES SCHUMER, and THOMAS CARPER.

This proposal would establish a Federal incentive program designed to encourage consumers to turn in their gas guzzling vehicles and buy more fuel efficient vehicles.

It would be authorized for 1 year, and provide for one to two million car or truck purchases. It would be funded with up to $4 billion from the American Recovery and Reinvestment Act, to be identified by the President and approved by Congress under an expedited rescission procedure. There are approximately 47 million vehicles on the road today that could qualify for trade-in under this program.

This proposal will help stimulate auto sales at a time when sales are at historic lows.

U.S. auto sales tumbled by 37 percent from March of last year. Two of the three American auto companies have filed for bankruptcy, GM and Chrysler. Auto dealerships are closing. Tens of thousands of jobs have already been lost—and thousands more hang in the balance.

There is no question that our Nation's auto industry is in trouble, and all of us want to help.

But the whole point of a cash-for-clunkers program is to replace a clunker with a more fuel-efficient vehicle. Otherwise the program replaces a clunker with a guzzler, and destroys a good vehicle for one that is not fuel efficient.

So, the goal of the Feinstein-Collins ''cash for clunkers'' proposal is to require real fuel economy improvements—improvements that are lacking in the Auto Industry proposal.

Unfortunately, the Auto Industry proposal would allow for the scrapping of perfectly adequate vehicles in return for new gas guzzlers, like the 2009 Hummer H3T.

For example: a consumer could trade the 2005 Chevy Silverado 1500 4-wheel drive for a 2009 Hummer 3T 4-wheel drive, even though both vehicles are below size-adjusted CAFE standards for large pick-up trucks.

So this trade would be, in fact, replacing a clunker with a guzzler. The consumer would receive a voucher of $4,500 to make this trade. This is unacceptable.

In contrast, the Feinstein-Collins proposal that I am offering today would save 32 percent more than the Auto Industry proposal in oil use and reduced greenhouse gas emissions.

To be specific, it would save 11,451 barrels of oil per day, versus 8,706 barrels in the industry proposal; save 176 gallons of gas per vehicle per year; versus 133 gallons in the industry proposal; and save 1.91 million metric tons of emissions per year; versus 1.45 million metric tons in the industry proposal.

Our proposal is supported by a coalition of those who care about reducing America's consumption of fossil fuels, including: CarMax, one of the Nation's largest car dealers; evironmental groups, including the Sierra Club; efficiency advocates, including the American Council for an Energy Efficient Economy, ACEEE, the Alliance to Save Energy, and the Union of Concerned Scientists, UCS; and consumer groups, including the Consumer Federation of America.

I believe the Feinstein-Collins bill is a sensible, balanced proposal that achieves better fuel mileage—32 percent more than the Auto Industry proposal—and would result in the rapid exchange of between one to two million vehicles.

Let me take a moment to outline the key differences between our proposal and the other Auto Industry proposal.

First, our bill would require that the newly purchased vehicles under this program have above-average fuel economy for their class.

For newly purchased cars: our proposal requires the vehicle get 24 miles per gallon, the current fleetwide average for cars. Auto proposal requires only 22 mpg.

For midsize SUVs and minivans: our proposal requires 20 mpg, the current fleetwide average for that class of vehicles. Auto proposal requires only 18 mpg.

For large pickups: our proposal requires 17 mpg, the current size adjusted

CAFE standard for this largest class of vehicles. Auto proposal requires only 15 mpg.

So, our bill is 2 miles per gallon better in every category of vehicle.

Second, our proposal targets some of the worst gas guzzling offenders on the road.

Under our proposal, the trade-in vehicle would be required to have a fuel economy of 17 miles per gallon or less—instead of the 18 miles per gallon threshold of the Auto Industry proposal. This would achieve greater oil savings by targeting the least efficient 47 million vehicles on the road today.

Third, our proposal would allow leased vehicles and newer used cars to qualify, in order to encourage greater participation by low-income consumers.

Our program would allow consumers who have signed three to five year leases to qualify for a voucher worth 50 percent of the value of a voucher for a new car. Last year, 18 percent of new vehicles were leased, so this is a sizable part of the auto marketplace and shouldn't be overlooked.

In contrast, the Auto Industry proposal makes no allowance for leased vehicle participation with typical terms, of 3 to 5 years.

Our proposal would also allow newer used cars like the 2007 Ford Escape Hybrid to be purchased through the program. 40 million used cars were sold in the U.S. last year—so I believe it makes sense to include these used cars and increase the rate of participation.

Our proposal creates a three-tier voucher system to provide the most financial payment to the consumer willing to save the most oil: $2,500 for the minimum fuel economy improvement of 7 mpg for cars and 3 mpg for trucks. $3,500 for a moderate fuel economy improvement of 10 mpg for cars, 6 mpg for mid-size SUVs, and 5 mpg for large trucks. $4,500 for the maximum fuel economy improvement of 13 mpg for cars, 9 mpg for midsize SUVs, and 7 mpg for large trucks.

So, the more you improve fuel efficiency, the more money you get.

In contrast, the Auto Industry proposal would scrap perfectly adequate vehicles in return for a voucher to help put more gas guzzling vehicles on the road.

In the SUV category, the Auto Industry proposal would provide consumers with a voucher of $3,500 to increase fuel economy from the traded-in vehicle to the new vehicle by only 2 mpg. For large pick-up trucks, it requires only a 1 mpg improvement.

Over the last 5 years, fuel economy standards for trucks and SUVs have gone up 2.4 mpg—so in many cases the industry proposal would subsidize people for trading in their old truck or SUV for the exact same model.

Let me discuss some examples: $3,500 to trade in the 2002 Jeep Cherokee for the 2009 Jeep Cherokee. $4,500 to trade in a 2005 four-wheel drive Chevy Silverado for a 2009 four-wheel drive Chevy Silverado. $3,500 to trade in a 2003 four-wheel drive Dodge Ram Pickup for a four-wheel drive Dodge Ram Pick-up. $3,500 to trade in a 2002 Toyota 4–Runner for a 2009 Toyota 4–Runner SUV.

The examples go on and on.

With respect to fuel economy?

I strongly believe that—merely 2 years after passing the Ten-in-Ten Fuel Economy Act—we should not subsidize the purchase of inefficient vehicles.

This could have the effect of bringing down the fleetwide average fuel economy. In other words, it would nullify all we fought for in the passage of the first CAFE bill to improve fuel efficiency in 20 years.

But that is exactly what the Auto proposal would do: 68 percent of all cars sold last year, in 2008, 18 percent of which have below average fuel economy, 24 mpg or less—would qualify for the industry proposal. 28 percent of below-average SUVs and small pickups would also qualify for subsidy.

But it is in the large pick up category that the fuel economy threshold—15 miles per gallon—is remarkably weak under the Auto Industry proposal.

Under the other program, 96 percent of all new large pick-ups—not work trucks, but regular large pick-ups—which are the least fuel efficient vehicles on the road today, would qualify for subsidized purchase. More than 90 percent of below average new heavy duty pick-ups would qualify.

Gas guzzlers like these big pick-up trucks simply do not belong in this program.

I recognize that some believe this should be the goal of the program.

But these large pickups make up the least efficient class of all vehicles on the road. So, if there are 1 million more of these vehicles sold through this program—that would not have been sold otherwise—it could dramatically lower the fleetwide average fuel economy for new vehicles sold this year.

That is why I believe these inefficient, big pickup trucks don't belong in the ''cash for clunkers'' proposal.

In contrast, our proposal encourages the purchase of those vehicles that have above average fuel economy for their class.

Finally, I would like to take a few moments to counter one of the arguments from the other side.

There are those who have mistakenly claimed that this bill, which prioritizes fuel efficiency, would give an unfair advantage to foreign automakers.

Nothing could be further from the truth.

In fact, the American auto industry has produced some very popular models of more fuel efficient vehicles, and our bill would incentivize their purchase.

Together, these three firms build 44 to 50 percent of all vehicle models that would qualify for our program's proposal in model year 2009.

According to EPA, in 2008, General Motors sold 1.2 million vehicles that would have met the higher fuel economy thresholds in our bill. And Ford and Chrysler sold more than 465,000 and 593,000 vehicles last year, respectively, that could have met the thresholds in our proposal.

That means that there were 2.2 million fuel efficient vehicles sold last year—manufactured by the Big Three Auto companies—and all of them bought without the incentives in place.

So, just imagine how many could be sold this year with the incentives.

That is the point of this ''cash for clunkers'' bill—to encourage the sale of fuel efficient vehicles.

For many models, GM, Ford and Chrysler can scale up production of their most fuel efficient configurations of their current models in their current factories.

They can make more V–6 trucks, instead of V–8 trucks.

They can use 6-speed automatic transmissions instead of 4-speed.

They can make more 2 wheel-drive trucks.

For example, Ford makes a 15 mpg version and a 17 mpg version of its best selling 2009 F–150. It is the same truck, from the same factory.

This is true for all firms.

Chrysler builds a 17 mpg configuration and a 15 mpg configuration of its 2009 Dodge Dakota pick-up in Warren, MI.

GM builds 17 mpg configurations of the 2009 Chevy Silverado and the GMC Sierra pick-ups in Fort Wayne, IN, as well as less efficient configurations.

Ford builds 17 mpg configurations of its 2009 Ford Explorer Sport Trac pickup in Louisville, KY, and less efficient versions as well.

But the difference is that our proposal would create an incentive for Ford, GM, and Chrysler to manufacture more of the fuel efficient, 17 mpg models.

Also last year, 100 percent of all large pickups and large vans sold that would have met the higher fuel economy thresholds in our bill were either built by the Detroit Three or in an American factory.

So, I think our bill strikes a better balance.

Contrary to what some may think, I do not believe that greater fuel economy and increased auto sales have to be considered as competing goals, but rather can be understood as complementary.

I think it is evident that our bill would achieve better fuel efficiency for the consumer, and would provide a more sound investment for the taxpayer.

Our program would also allow the vouchers to be used to buy used cars or even lease a more fuel efficient vehicle.

These options are important, especially to lower income Americans who need a new car but cannot afford to buy a new vehicle. The other version of this legislation would deprive many Americans of the opportunity to participate in the program.

Bottom line—we have chosen reasonable fuel economy levels that save more oil and help all firms, including the Detroit three, sell cars at a time when sales are desperately needed.

So, I encourage my colleagues to support the Feinstein-Collins-Schumer-Carper proposal, rather than the Auto Industry proposal.

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. 1200

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 ''Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009''.

SEC. 2. TEMPORARY VEHICLE TRADE-IN PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a program, to be known as the ''Cash for Clunkers Temporary Vehicle Trade-In Program'', through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of a voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price of a fuel efficient automobile upon the transfer of the certificate of title of an eligible trade-in vehicle to a dealer participating in the Program;

(2) register dealers for participation in the Program and require each registered dealer to—

(A) accept vouchers provided under this section as partial payment or down payment for the purchase or lease of any fuel efficient automobile offered for sale or lease by such dealer; and

(B) dispose of each eligible trade-in vehicle in accordance with subsection (c)(2) after the title of such vehicle is transferred to the dealer under the Program;

(3) in consultation with the Secretary of the Treasury, make payments to dealers for eligible transactions by such dealers before the date that is 1 year after regulations are promulgated under subsection (d), in accordance with such regulations; and

(4) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the Program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price of a fuel efficient automobile as follows:

(1) $1,000 VALUE.—The voucher may be used to offset the purchase price of a previously owned fuel efficient automobile manufactured for model year 2004 or later, by $1,000 if—

(A) the newly purchased fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the newly purchased fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the newly purchased fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(2) $2,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $2,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 3 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck manufactured for model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck manufactured for model year 1999 or earlier and is of similar size or larger than the new fuel efficient automobile, as determined in a manner prescribed by the Secretary.

(3) $3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 6 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(4) $4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 13 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 9 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 17 miles per gallon and the combined fuel economy value of such truck is 7 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle, which is also a category 2 truck.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program may only be used for the purchase or lease of a fuel efficient automobile that occurs between the date on which the regulations promulgated under subsection (d) are implemented and the date that is 1 year after such date.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or lease of a single new fuel efficient automobile.

(D) CAP ON VOUCHERS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the amounts made available for the Program may be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal or State tax incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program.

(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(H) VALUES FOR QUALIFYING SHORTER TERM LEASES.—If a fuel efficient vehicle is leased under a qualifying shorter term lease, the value of the voucher issued under the Program shall be 50 percent of the value otherwise applicable under subsection (b).

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—If the title of an eligible trade-in vehicle is transferred to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that such vehicle, including the engine and drive train—

(i) has been or will be crushed or shredded within such period and in such manner as the Secretary prescribes, or will be transferred to an entity that will ensure that the vehicle will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(ii) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country, or has been or will be transferred, in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who dismantles or disposes of the vehicle from—

(i) purchasing the disposed vehicle from a dealer for the purpose of selling parts other than the engine block and drive train;

(ii) selling any parts of the disposed vehicle other than the engine block and drive train, unless the engine or drive train has been crushed or shredded; or

(iii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible and commercially available systems are appropriately updated to reflect the crushing or shredding of vehicles under this section and appropriate reclassification of the vehicles' titles.

(d) RULEMAKING.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall—

(1) provide for a means of registering dealers for participation in the Program;

(2) establish procedures for the electronic reimbursement of dealers participating in the Program, within 10 days after the submission to the Secretary of information supporting the eligible transaction, as determined appropriate by the Secretary, for the appropriate amount under subsection (c) and any reasonable administrative costs incurred by the dealer;

(3) prohibit any dealer from using vouchers to offset any other rebate or discount offered by that dealer or by the manufacturer of the new fuel efficient automobile;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal and State requirements;

(B) a mechanism for dealers to certify to the Secretary that eligible trade-in vehicles are disposed of, or transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures and to submit the vehicle identification numbers, mileage, condition, and other appropriate information, as determined by the Secretary, of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher; and

(C) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal;

(6) establish a mechanism for dealers to determine the scrappage value of the trade-in vehicle; and

(7) provide for the enforcement of the penalties described in subsection (e)(2).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this section or any regulations issued pursuant to subsection (d).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty in an amount equal to not more than $25,000 for each such violation.

(f) INFORMATION TO CONSUMERS AND DEALERS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary shall make information about the Program available through an Internet Web site and through other means determined by the Secretary. Such information shall include—

(A) how to determine if a vehicle is an eligible trade-in vehicle;

(B) how to determine the scrappage value of an eligible trade-in vehicle;

(C) how to participate in the Program, including how to determine participating dealers; and

(D) a comprehensive list, by make and model, of fuel efficient automobiles meeting the requirements of the Program.

(2) PUBLIC AWARENESS CAMPAIGN.—Upon completing the requirements under paragraph (1), the Secretary shall conduct a public awareness campaign to inform consumers about the Program and the sources for additional information.

(g) RECORDKEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database that includes—

(A) the vehicle identification numbers of all fuel efficient vehicles purchased or leased under the Program; and

(B) the vehicle identification numbers, mileage, condition, scrappage value, and other appropriate information, as determined by the Secretary, of all the eligible trade-in vehicles which have been disposed of under the Program.

(2) REPORT.—Not later than June 30, 2010, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the efficacy of the Program and includes—

(A) a description of the results of the Program, including—

(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, mileage, condition, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(h) RULE OF CONSTRUCTION.—For purposes of determining Federal or State income tax liability or eligibility for any Federal or State program that bases eligibility, in whole or in part, on income, the value of any voucher issued under the Program to offset the purchase price or lease price of a new fuel efficient automobile shall not be considered income of the person purchasing such automobile.

(i) DEFINITIONS.—In this section:

(1) CATEGORY 1 TRUCK.—The term ''category 1 truck'' means a nonpassenger automobile (as defined in section 32901(a)(17) of title 49, United States Code) that—

(A) has a combined fuel economy value of at least 20 miles per gallon; and

(B) is not a category 2 truck.

(2) CATEGORY 2 TRUCK.—The term ''category 2 truck'' means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled ''Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008''.

(3) CATEGORY 3 TRUCK.—The term ''category 3 truck'' has the meaning given the term ''work truck'' in section 32901(a)(19) of title 49, United States Code.

(4) COMBINED FUEL ECONOMY VALUE.—The term ''combined fuel economy value'' means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words ''Combined Fuel Economy'' on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40 Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle manufactured after model year 1984, the equivalent number determined on the fueleconomy.gov Web site of the Environmental Protection Agency for the make, model, and year of such vehicle; and

(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1984, the equivalent number determined by the Secretary and posted on the website of the National Highway Traffic Safety Administration, using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

(5) DEALER.—The term ''dealer'' means a person that is licensed by a State and engages in the sale of automobiles to ultimate purchasers.

(6) ELIGIBLE TRADE-IN VEHICLE.—The term ''eligible trade-in vehicle'' means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this section—

(A) is in drivable condition;

(B) has been continuously insured, consistent with State law, and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in; and

(C) has a combined fuel economy value of 17 miles per gallon or less.

(7) FUEL EFFICIENT AUTOMOBILE.—The term ''fuel efficient automobile'' means a vehicle described in paragraph (1), (2), (3), or (9), that was manufactured for any model year after 2003, and, at the time of the original sale to a consumer—

(A) carries a manufacturer's suggested retail price of $45,000 or less;

(B) complies with the applicable air emission and related requirements under the National Emission Standards Act (42 U.S.C. 7521 et seq.);

(C) qualifies for listing in emission bin 1, 2, 3, 4, or 5 (as defined in section 86.1803–01 of title 40, Code of Federal Regulations), or for work trucks the applicable vehicle and engine standards found under section 86.005–10 and 86.007–11 of title 40, Code of Federal Regulations; and

(D) has a combined fuel economy value of—

(i) 24 miles per gallon, if the vehicle is a passenger automobile;

(ii) 20 miles per gallon, if the vehicle is a category 1 truck; or

(iii) 17 miles per gallon, if the vehicle is a category 2 truck.

(8) NEW FUEL EFFICIENT AUTOMOBILE.—The term ''new fuel efficient automobile'' means a fuel efficient automobile, the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser.

(9) PASSENGER AUTOMOBILE.—The term ''passenger automobile'' means a passenger automobile (as defined in section 32901(a)(18) of title 49, United States Code) that has a combined fuel economy value of at least 24 miles per gallon.

(10) PROGRAM.—The term ''Program'' means the Cash for Clunkers Temporary Vehicle Trade-In Program established under this section.

(11) QUALIFYING LEASE.—The term ''qualifying lease'' means a lease of an automobile for a period of not less than 5 years.

(12) QUALIFYING SHORTER TERM LEASE.—The term ''qualifying shorter term lease'' means a lease of an automobile for a period of not less than 3 years and not more than 5 years.

(13) SCRAPPAGE VALUE.—The term ''scrappage value'' means the amount received by the dealer for an eligible trade-in vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destruction of the vehicle.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation, acting through the National Highway Traffic Safety Administration.

(15) ULTIMATE PURCHASER.—The term ''ultimate purchaser'' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.

(16) VEHICLE IDENTIFICATION NUMBER.—The term ''vehicle identification number'' means the 17 character number used by the automobile industry to identify individual automobiles.

SEC. 3. EXPEDITED CONSIDERATION OF AMERICAN RECOVERY AND REINVESTMENT ACT RESCISSIONS.

(a) PROPOSED RESCISSION OF DISCRETIONARY BUDGET AUTHORITY.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any discretionary budget authority provided under the American Recovery and Reinvestment Act (Public Law 111–5).

(b) TRANSMITTAL OF SPECIAL MESSAGE.—(1) Not later than 15 days after the date of the enactment of this Act, the President may—

(A) transmit to Congress a special message proposing to rescind amounts of discretionary budget authority provided in the American Recovery and Reinvestment Act; and

(B) include with the special message described in subparagraph (A) a draft bill or joint resolution that, if enacted, would only rescind that discretionary budget authority.

(2) If an Act includes accounts within the jurisdiction of more than 1 subcommittee of the Committee on Appropriations, the President, in proposing to rescind discretionary budget authority under this section, shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

(3) Each special message transmitted to Congress under this subsection shall specify, with respect to the discretionary budget authority proposed to be rescinded—

(A) the amount of budget authority proposed to be rescinded or which is to be so reserved;

(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(C) the reasons why the budget authority should be rescinded or is to be so reserved;

(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the proposed rescission or of the reservation; and

(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission or the reservation and the decision to effect the proposed rescission or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

(c) LIMITATION ON AMOUNTS SUBJECT TO RESCISSION.—The amount of discretionary budget authority the President may propose to rescind in a special message under this section for a particular program, project, or activity may not exceed $4,000,000,000.

(d) PROCEDURES FOR EXPEDITED CONSIDERATION.—(1)(A) Before the close of the second day of continuous session of the applicable House of Congress after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced by the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

(B) A bill or joint resolution introduced pursuant to subparagraph (A) shall be referred to the Committee on Appropriations of the House in which it is introduced. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to vote on the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(C) A vote on final passage of a bill or joint resolution introduced pursuant to subparagraph (A) shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

(2)(A) A bill or joint resolution transmitted to the Senate or the House of Representatives pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House. The bill or joint resolution shall be voted on not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to vote on the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted, except in cases in which the Committee on Appropriations has considered and voted against discharging the bill or joint resolution for further consideration. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion and a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection to such bill or joint resolution, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition to such motion or appeal shall be controlled by the minority leader or his designee. Either such leader may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

(e) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in the Senate or the House of Representatives. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(f) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of discretionary budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

(g) DEFINITIONS.—For purposes of this section—

(1) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period; and

(2) the term ''discretionary budget authority'' means the dollar amount of discretionary budget authority and obligation limitations—

(A) specified in the American Recovery and Reinvestment Act (Public Law 111–5), or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

(h) CONFORMING AMENDMENT.—Section 1014(e)(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)(1)) is amended—

(1) in subparagraphs (A) and (B), by striking ''he'' each place such term appears and inserting ''the President'';

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

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following:

''(B) the President has transmitted a special message under section 3 of the Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009 with respect to a proposed rescission; and''.

SEC. 4. SUNSET PROVISION.

Section 3 shall be repealed on the date on which regulations are promulgated under section 2(d).

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

S. 1201. A bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise along with Senators BEGICH and STABENOW today to introduce important legislation that will ensure that low-income seniors have full access to the benefits available to them under the Medicare Drug Benefit. Helping Fill the Medicare Rx Gap Act of 2009 will ensure that low-income seniors and other low-income beneficiaries do not get caught in the Medicare Part D coverage gap, or ''doughnut hole,'' simply because of where they choose to purchase their Part D pharmaceuticals.

Under current regulation and guidance, individuals who are in the doughnut hole and receive Part D drugs from commercial pharmacies are permitted to count waivers or reductions in Part D cost-sharing to count towards their true out of pocket expenses, TrOOP. However, low-income individuals who may receive Part D drugs from safety-net pharmacies and other safety-net providers are not permitted to count similar waivers or reductions in Part D cost-sharing by safety-net providers towards their TrOOP. Thus, current law penalizes low-income individuals and makes it easier for them to get stuck in the doughnut hole—never accessing the catastrophic coverage to which they are entitled.

My legislation would undo this inequity and permit waivers and reductions for beneficiaries receiving care from safety-net providers to count towards beneficiaries' TrOOP. Specifically, the legislation will count waivers and reductions by certain safety-net hospitals and pharmacies, Federally Qualified Health Centers, AIDS Drug Assistance Programs, Pharmacy Assistance Programs and the Indian Health Service toward TrOOP.

I would like to express my gratitude for the assistance of several key senior citizen advocates in crafting this legislation, including: Howard Bedlin from the National Council on Aging, Lena O'Rourke and Marc Steinberg from Families USA, Patricia Nemore and Vicki Gottlich from the Center for Medicare Advocacy and Paul Precht and Rachel Shiffrin, from the Medicare Rights Center.

I urge my colleagues to join me in supporting this important piece of legislation, which will ensure that life saving pharmaceuticals are available to low-income Americans.

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. 1201

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 ''Helping Fill the Medicare Rx Gap Act of 2009''.

SEC. 2. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)) is amended—

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

(2) in clause (ii)—

(A) by striking ''such costs shall be treated as incurred only if'' and inserting ''subject to clause (iii), such costs shall be treated as incurred if'';

(B) by striking '', under section 1860D–14, or under a State Pharmaceutical Assistance Program'';

(C) by striking ''(other than under such section or such a Program)''; and

(D) by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following new clause:

''(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

''(I) under section 1860D–14;

''(II) under a State Pharmaceutical Assistance Program;

''(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

''(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

''(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

''(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

''(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part D drug under the enrollee's prescription drug plan or MA–PD plan as of the date that the drug was distributed or donated.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2010.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. KERRY, Mrs. LINCOLN, Mr. WYDEN, Mr. SCHUMER, Ms. CANTWELL, Mr. MENENDEZ, Mr. ENSIGN, and Mr. CORNYN):

S. 1203. A bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes; to the Committee on Finance.

Mr. BAUCUS, Mr. President, I am introducing this bill with Senator HATCH and others to move America forward in the 21st Century.

In 2005, the last year for which we have IRS data, over eleven thousand C-corporations claimed the research tax credit. Approximately 70 percent of qualifying expenses are wages. This credit encourages American businesses to keep jobs here.

These jobs are good paying jobs. And when the research is performed in the U.S., then the intangible property stays in this country. And we get to enjoy the fruits of the labor. We need to keep the research jobs here. We cannot lose these jobs. We must make the research and development credit permanent and do everything we can to keep these research jobs here.

The Grow Research Opportunities with Taxcredit's Help Act of 2009 improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2009, the bill would ramp up the simpler credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years. This alternative simplified credit increases from 14 percent to 20 percent in 2009.

Second, the bill allows taxpayers to claim the traditional credit in 2009 and 2010. This gives the traditional credit companies time to adjust their accounting and effectively shift to the alternative simplified credit. For tax years beginning after 2010, the alternative simplified credit will be the only tax credit for qualifying research expenses.

The main complaint about the traditional credit is that it is very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. It creates problems for the IRS in trying to administer and audit those claims.

The alternative simplified credit focuses only on expenses, not gross receipts. It is still an incremental credit, so that companies must continue to increase research spending over time.

A tax credit is a cost-effective way to promote research and development. A report by the Congressional Research Service finds that without government support, investment in research and development would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector research and development.

We are competing in a global economy, and we need to promote research in this country. This bill will pave the way to a robust research and development incentive so that we can continue to lead the way in new technologies and domestic job growth.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 1205. A bill to exempt guides for hire and other operators of uninspected vessels on Lake Texoma from Coast Guard and other regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, today I introduced legislation that will exempt fishing guides and other operators of uninspected vessels on Lake Texoma from Coast Guard regulation. After weeks of discussion with the Coast Guard and thoughtful consideration, many in the Oklahoma delegation have decided that this is the course of action that will best protect an industry that is extremely important to the people of southern Oklahoma.

While the waters on Lake Texoma are considered ''navigable'' and currently subject to Federal regulation, this is inherently a state function and should be regulated at that level. This legislation will cede authority to conduct the licensing of fishing guides to the proper governing entity, which is the State of Oklahoma and not the Federal Government. I applaud Congressman BOREN for introducing companion legislation in the House of Representatives, and thank Senator COBURN for his cosponsorship of this measure.

At the end of the day this is about two things: preserving the fishing guide industry and, most importantly, ensuring safety on Lake Texoma. The State of Oklahoma is better positioned to accomplish both. The Coast Guard has not had an active presence at the lake until recently, whereas the State of Oklahoma's Department of Public Safety has a long history of ensuring safe boating activity there. Day in and day out, the State of Oklahoma will be better able to provide for the safety of individuals at the lake. Federal interference in the daily lives of Oklahomans is ever-increasing, and I believe it is important that we preserve state jurisdiction over activities such as this. This legislation accomplishes that.

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. 1205

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

SECTION 1. EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COAST GUARD AND OTHER REGULATIONS.

(a) EXEMPTION.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this section does not affect any requirement under State law or under any license issued under State law.

SEC. 2. WAIVER OF BIOMETRIC TRANSPORTATION SECURITY CARD REQUIREMENT FOR CERTAIN SMALL BUSINESS MERCHANT MARINERS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting ''and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title'' before the semicolon;

(2) by striking subparagraph (D); and

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

By Mr. BROWN (for himself, Mr. DODD, and Mr. CASEY):

S. 1206. A bill to establish and carry out a pediatric specialty loan repayment program; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, as Congress moves toward enacting groundbreaking health reform legislation, it is imperative that we pay close attention to the unique developmental needs of children and ensure that we are doing everything possible to meet their growing needs.

Meeting the health care needs of our nation's 80 million infants, children, and adolescents requires a stable and strong pediatrician workforce, comprised of well-trained pediatricians, pediatric medical subspecialists, pediatric surgical specialists, and psychiatric subspecialists.

However, a November 2007 report released by the Maternal and Child Health Bureau's, MCHB, Federal Expert Work Group on Pediatric Subspecialty Capacity concluded that the lack of access to pediatric subspecialty care has reached crisis proportions and that the ratio of pediatric subspecialists and pediatric surgical specialists to children who need care is hazardously low.

The MCHB panel concluded that the lack of access to pediatric subspecialty care is due to several factors, including an insufficient number of pediatric subspecialists, dramatically increased demand for pediatric subspecialty care, a fragmented system of pediatric primary and specialty care, and inadequate financing of medical education.

In the U.S. there are approximately 28,000 pediatric medical subspecialists and surgical specialists responsible for caring for over 80 million children. This is simply not enough.

At a time when we are seeing aging workforce populations and decreasing numbers of physicians being trained in pediatric subspecialties, the demand for pediatric subspecialty care has reached unprecedented levels. In the last 10 years, our Nation's children have experienced dramatic increases in the incidence and prevalence of conditions such as asthma, diabetes, depression, obesity, and increased demand for surgical correction of congenital heart disease and orthopedic anomalies.

The repercussions of this workforce shortage were enumerated during a hearing that I chaired on May 14th in the Committee on Health, Education, Labor, and Pensions.

During that hearing, we were honored to hear the testimony of Dr. Marsha Raulerson, a practicing pediatrician in Brewton, AL. During her testimony, Dr. Raulerson explained how pediatric subspecialist shortages have a life-or-death impact in both rural and urban communities. She emphasized the need to develop initiatives to recruit medical students and residents into specific pediatric disciplines and to underserved geographic regions.

That is why I am introducing the Pediatric Workforce Investment Act. This legislation would help address pediatric workforce shortages, particularly in medically underserved communities, by creating a pediatric specialty loan repayment program to encourage physicians to train and provide pediatric subspecialty care in areas desperately in need.

To improve access to needed medical care for our children, the shortage of pediatric subspecialists must be addressed. Creating a loan repayment program to help defray costs and incentivize care in underserved communities is a good first step.

I would like to thank Senators DODD and CASEY for being original cosponsors of this legislation and for being such strong advocates for children's health issues.

By Mr. WARNER:

S. 1207. A bill to authorize the Secretary of the Interior to study the suitability and feasibility designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, last month, we honored an American hero, Elisha ''Ray'' Nance of Bedford, VA, who passed away at the age of 94. Mr. Nance was the last surviving member of what has come to be known as ''The Bedford Boys''—members of Company A, 116th Infantry, 29th Division.

For those who do not know the story, Mr. Nance was among 38 National Guardsmen from the close-knit community of Bedford who were called to active service in World War II. On June 6, 1944, 35 young men of Bedford's Company A were in the first wave to hit ''Omaha Beach'' at Normandy. Nineteen young men from Bedford died in the opening battle during the early morning of June 6, and two more Bedford boys died a few days later in the ensuing Normandy campaign.

''We Bedford boys,'' Nance recalled, ''competed to be in the first wave. We wanted to be there. We wanted to be the first on the beach,'' he would write as he recovered from his own severe wounds. The loss of 21 of the 35 soldiers from that small community of 3,200 people designated Bedford as the town that suffered the highest proportional losses on D-Day.

On Saturday, we marked the 65th anniversary of the Allied invasion at Normandy. And as we reflect upon all that was lost on Omaha Beach—and, ultimately, all that was gained as Allied forces successfully liberated Europe during World War II—it is appropriate to reflect for a moment on the heart-wrenching sacrifice made by this small town in the Blue Ridge Mountains of central Virginia.

In 1996, Congress designated Bedford as the most appropriate spot for the National D-Day Memorial. The Memorial, built upon a mixture of sand from Omaha Beach and farm dirt from central Virginia, and dedicated by then-President George W. Bush on June 6, 2001, and it now stands as a striking tribute to the valor, fidelity, and sacrifice of the Allied forces on D-Day. The historical events surrounding the Normandy landing provide the broad context for the story the Memorial attempts to tell, but the National D-Day Memorial is not about war: it is about service to our nation—the duties of citizenship—and subjugating oneself for a greater good. In short, it is about the character and patriotism we find in all of our small communities across America.

The Memorial has attracted over one million visitors since it opened in 2001, with over 50 percent visiting from out of state, and more than 10,000 students participate in the D-Day Memorial's educational programs each year.

However, expenses run just over $2 million each year, and the Memorial takes in less than $600,000 a year in admission fees and gifts. Recently, the non-profit foundation that operates the Memorial announced it does not have adequate resources to remain open through the end of the year. We must take action now, or we risk losing an important landmark that pays tribute to the unbelievable sacrifices our young men and their families during that fateful landing.

Therefore, I am introducing this legislation that would authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System. This proposal is cosponsored by my esteemed Virginia colleague, Senator WEBB.

I urge you to support this measure, which would protect and preserve this important monument to our D-Day veterans and their families and future generations of Americans.

By Ms. SNOWE:

S. 1208. A bill to amend the Small Business Act to improve export growth opportunities for small businesses, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the Small Business Export Opportunity Act of 2009, a measure that would provide improved and expanded support for small businesses, through critical programs and reforms, to help them compete globally and export their goods and services to foreign markets.

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 small businesses to sell their goods and services in new markets, not enough small businesses are taking advantage of these international opportunities. In fact, according to the U.S. Department of Commerce, only 266,457 of the approximately 27 million small businesses, or less than 1 percent, currently sell their products to foreign buyers. Small businesses are a vital source of economic growth and job creation, generating approximately 75 percent 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 will not 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. This legislation gives small businesses the resources and assistance needed to explore potential export opportunities, or to expand their current export business.

The bill includes provisions I have supported for many years, during my tenure as both Chair and Ranking Member of the Senate Small Business Committee. For instance, I first introduced legislation in 2001, in the 107th Congress, to establish a U.S. Trade Representative for Small Business, in order to ensure that small business interests are reflected in U.S. trade policy and trade agreement negotiations. The legislation I am introducing today includes this vital provision.

The legislation also 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. It also includes provisions requiring that the SBA immediately fill its trade specialist positions that have been vacant for years.

The Small Business Export Opportunity Act of 2009 would also bolster the SBA's technical assistance programs, and will improve export financing programs so that small businesses have access to capital needed to support export sales. Furthermore, the legislation 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.

The legislation also provides small businesses with matching grants, of up to $5,000, for expenses relating to activities that help them start or expand export activity. It creates a new Office of Small Business Development and Promotion at the SBA, and it improves the SBA's network of international trade counselors. This legislation increases the maximum size of SBA-guaranteed export working capital and international trade loans, and it establishes a permanent Export Express program. It also establishes a program to provide support for small businesses related to trade disputes and unfair international trade practices.

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 U.S. spends just ⅙ of the international average 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. This legislation will help small businesses stay competitive, help them grow, and speed the recovery of our economy as a whole. 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. 1208

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 Opportunity Development Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act—

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

(2) 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));

(3) the term ''export loan programs'' means the programs of the Administration under paragraphs (14) and (16) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and section 22 of that Act (15 U.S.C. 649), as amended by this Act; and

(4) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

(a) OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended to read as follows:

''SEC. 22. OFFICE OF SMALL BUSINESS EXPORT DEVELOPMENT AND PROMOTION.

''(a) DEFINITIONS.—In this section—

''(1) the term 'accredited export assistance program' means a program—

''(A) that provides counseling and assistance relating to exporting to small business concerns; and

''(B) in which not less than 20 percent of the technical assistance staff members are certified in providing export assistance under subsection (g)(2);

''(2) the term 'Associate Administrator' means the Associate Administrator for Export Development and Promotion;

''(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 'export development officer' means an individual described in subsection (d)(8);

''(5) the term 'Office' means the Office of Export Promotion and Development established under subsection (b)(1); and

''(6) the term 'Service Corps of Retired Executives' means the Service Corps of Retired Executives authorized by section 8(b)(1).

''(b) OFFICE ESTABLISHED.—

''(1) ESTABLISHMENT.—There is established within the Administration an Office of Export Promotion and Development, which shall carry out the programs under this section.

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for Export Development and Promotion, who shall report directly to the Administrator.

''(c) DUTIES OF OFFICE.—The Associate Administrator, working in close cooperation with the Department of Commerce, the United States Trade Representative, the Export-Import Bank, other relevant Federal agencies, small business development 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 for export promotion, export finance, trade adjustment, trade remedy assistance, and export data collection programs through use of the regional and district offices of the Administration, the small business development center network, the network of women's business centers, chapters of the Service Corps of Retired Executives, and Export Assistance Centers;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to the small business community 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 partnerships with people in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to an export development officer position to otherwise qualified applicants who are fluent in a language in addition to English, who shall—

''(A) accompany foreign trade missions, if designated by the Associate Administrator; and

''(B) be available as needed to translate documents, interpret conversations, and facilitate multilingual transactions, including providing referral lists for translation services, if required.

''(d) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator shall promote sales opportunities for small business goods and services abroad by—

''(1) in cooperation with the Department of Commerce, other relevant agencies, regional and district offices of the Administration, the small business development center network, and State programs, developing a mechanism for—

''(A) identifying sub-sectors 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 in increasing international marketing by disseminating relevant information regarding market leads, linking potential sellers and buyers, and catalyzing the formation of joint ventures, where appropriate;

''(2) in cooperation with the Department of Commerce, actively assisting small business concerns in forming and using export trading companies, export management companies and research and development pools authorized under section 9 of this Act;

''(3) working in conjunction with other Federal agencies, regional and district offices of the Administration, the small business development center network, and the private sector to identify and publicize translation services, including those available through colleges and universities participating in the small business development center program;

''(4) working closely with the Department of Commerce and other relevant Federal agencies to—

''(A) collect, analyze, and periodically update relevant data regarding the small business share of United States exports and the nature of State exports (including the production of Gross State Product figures) and disseminate that data to the public and to Congress;

''(B) make recommendations to the Secretary of Commerce and to Congress regarding revision of the North American Industry Classification System codes to encompass industries currently overlooked and to create North American Industry Classification System codes for export trading companies and export management companies;

''(C) improve the utility and accessibility of export promotion programs for small business concerns; and

''(D) increase the accessibility of the Export Trading Company contact facilitation service;

''(5) making available to the small business community information regarding conferences on exporting and international trade sponsored by the public and private sector;

''(6) providing small business concerns with access to up to date and complete export information by—

''(A) making available at the district offices of the Administration, through cooperation with the Department of Commerce, export information, including the worldwide information and trade system and world trade data reports;

''(B) maintaining a list of financial institutions that finance export operations;

''(C) maintaining a directory of all Federal, regional, State and private sector programs that provide export information and assistance to small business concerns; and

''(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business export firms so as to insure that the maximum information is made available to small business concerns in a readily usable form;

''(7) encouraging, in cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce; and

''(8) facilitating decentralized delivery of export information and assistance to small businesses by assigning primary responsibility for export development to one individual in each district office, who shall—

''(A) assist small business concerns in obtaining export information and assistance from other Federal departments and agencies;

''(B) maintain a directory of all programs which provide export information and assistance to small business concerns in the region;

''(C) encourage financial institutions to develop and expand programs for export financing;

''(D) provide advice to personnel of the Administration involved in making loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small business concerns engaged in exports; and

''(E) not later than 120 days after the date on which the person is appointed as an export development officer, and not less frequently than once each year thereafter, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine the needs of small business concerns for export information and assistance;

''(9) carrying out a nationwide marketing effort to promote exporting as a business development opportunity for small business concerns that uses technology, online resources, training, and other strategies;

''(10) disseminating 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, State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting;

''(11) establishing and carrying out training programs for the staff of the district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.

''(e) EXPORT FINANCE SPECIALIST PROGRAM.—

''(1) EXPORT FINANCE SPECIALIST PROGRAM.—The Associate Administrator shall work in cooperation with the Export-Import Bank of the United States, the Department of Commerce, other relevant Federal agencies, and the States to develop a program through which export finance specialists in the district offices of the Administration, regional and local loan officers, and small business development center personnel can facilitate the access of small business concerns to relevant export financing programs of the Export-Import Bank of the United States and to export and pre-export financing programs available from the Administration and the private sector.

''(2) PROGRAM ACTIVITIES.—To carry out paragraph (1), the Associate Administrator shall work in cooperation with the Export-Import Bank of the United States and the small business community, including small business trade associations, to—

''(A) aggressively market Administration export financing and pre-export financing programs;

''(B) identify financing available under various programs of the Export-Import Bank of the United States, and aggressively market those programs to small business concerns;

''(C) assist in the development of financial intermediaries and facilitate the access of those intermediaries to financing programs;

''(D) promote greater participation by private financial institutions, particularly those institutions already participating in loan programs under this Act, in export finance; and

''(E) provide for the participation of appropriate Administration personnel in training programs conducted by the Export-Import Bank of the United States.

''(f) COUNSELING FOR SMALL BUSINESS CONCERNS.—The Associate Administrator shall—

''(1) work in cooperation with other Federal agencies and the private sector to counsel small business concerns with respect to initiating and participating in any proceedings relating to the administration of the United States trade laws; and

''(2) work with the Department of Commerce, the Office of the United States Trade Representative, and the International Trade Commission to increase access to trade remedy proceedings for small business concerns.

''(g) EXPORT ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator shall require, as part of the agreement under section 21, that each small business development center has an accredited export assistance program.

''(2) CERTIFICATION.—The Associate Administrator shall certify technical assistance staff members of small business development centers in providing export assistance, in accordance with such criteria as the Associate Administrator may establish.

''(3) TRAINING.—The Associate Administrator shall provide training relating to export assistance programs at the annual conference of small business development centers.

''(4) REPORT.—The Associate Administrator shall submit an annual report to Congress that includes—

''(A) the number of small business concerns assisted by accredited export assistance programs;

''(B) the export revenue generated by small business concerns assisted by accredited export assistance programs; and

''(C) an estimate of the number of jobs created or retained because of assistance provided by accredited export assistance programs.

''(h) EXPORT ASSISTANCE OFFICER.—The Associate Administrator shall—

''(1) assign an export assistance officer with training in export assistance and marketing to each district office of the Administration, who shall—

''(A) conduct training and information sessions for small business concerns interested in exporting; and

''(B) conduct outreach to small business concerns with the potential to export; and

''(2) provide annual training for export assistance officers.

''(i) EXPORT DEVELOPMENT GRANT PROGRAM.—

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

''(A) the term 'eligible small-business concern' means a small-business concern—

''(i) that—

''(I) has been in business for not less than 1 year;

''(II) has profitable domestic sales;

''(III) 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 Administrator; and

''(IV) has in place a strategic plan for exporting;

''(ii) an employee of which has completed an accredited export assistance program; and

''(iii) that 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;

''(B) the term 'export initiative' includes—

''(i) participation in a trade mission;

''(ii) a foreign market sales trip;

''(iii) a subscription to services provided by the Department of Commerce;

''(iv) the payment of website translation fees;

''(v) the design of international marketing media;

''(vi) a trade show exhibition; and

''(vii) participation in training workshops; and

''(C) the term 'small-business concern' has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

''(2) GRANT PROGRAM.—The Associate Administrator shall establish an export development grant program, under which the Associate Administrator may make grants to eligible small-business concerns to enhance the capability of the eligible small-business concerns to be globally competitive, increase business internationally, and increase export sales.

''(3) APPLICATION.—An eligible small-business concern that desires a grant under this subsection shall submit to the Associate Administrator at such time and in such manner as the Associate Administrator shall prescribe an application that identifies not less than 1 specific, achievable export initiative that the eligible small-business concern will carry out using a grant under this subsection.

''(4) AMOUNT.—A grant under this subsection may not exceed $5,000.

''(5) MATCHING FUNDS.—The Federal share of the cost of an export initiative carried out with a grant under this subsection shall be not more than 50 percent. The non-Federal share of the cost of an activity carried out

with a grant under this subsection may be in kind or in cash.

''(6) INFORMATION AND DOCUMENTATION.—An eligible small-business concern that receives a grant under this subsection shall provide to the Associate Administrator—

''(A) receipts for all expenditures made with the grant; and

''(B) information relating to any export sales resulting from the grant.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2010 and each fiscal year thereafter.

''(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; and

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

''(2) 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 described in paragraph (1), that is consistent with systems used by the departments and agencies and the network.

''(3) 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 that includes—

''(A) a detailed account of the information relating to the performance measures described in paragraph (1); and

''(B) a description of the export assistance and services provided to small business concerns by the Administration.

''(k) REPORT.—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 on the progress of the Administration in implementing the requirements under this section.

''(l) DISCHARGE OF ADMINISTRATION EXPORT PROMOTION RESPONSIBILITIES.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade and exporting are carried out through 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 the staff of the Office, and over any employee of the Administration whose principal duty station is an Export Assistance Center or any successor entity.''.

(b) EXPORT DEVELOPMENT OFFICERS.—

(1) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that export development officers are assigned to each district office of the Administration, in accordance with section 22(d)(8) of the Small Business Act, as amended by this section.

(2) DEFINITION.—In this subsection, the term ''export development officer'' has the meaning given that term in section 22 of the Small Business Act (15 U.S.C. 649), as amended by this Act.

(c) EXPORT ASSISTANCE CENTERS.—

(1) VACANT POSITIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall ensure that the number of full-time equivalent employees of the Office of Export Development and Promotion assigned to the Export Assistance Centers is not less than the number of such employees so assigned on January 1, 2003.

(2) EXPORT DEVELOPMENT OFFICERS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Commerce, shall ensure that export finance specialists are assigned to not fewer than 40 Export Assistance Centers.

(3) STUDY.—Not later than 6 months after the date of enactment of this Act, the Associate Administrator for Export Development and Promotion shall carry out a nationwide study to evaluate where additional export finance specialists are needed.

(4) DEFINITION.—In this subsection, the term ''export finance specialist'' means an export finance specialist described in section 22(e)(1) of the Small Business Act (15 U.S.C. 649(e)(1)), as amended by this section.

(d) APPOINTMENT OF ASSOCIATE ADMINISTRATOR.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint an Associate Administrator for Export Development and Promotion under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NUMBER OF ASSOCIATE ADMINISTRATORS.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(A) in the fifth sentence, by striking ''five''; and

(B) by adding at the end the following: ''One of the Associate Administrators shall be the Associate Administrator for Export Development and Promotion, who shall be the head of the Office of Export Development and Promotion established under section 22.''.

(2) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE AND EXPORT 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) by inserting ''through the Associate Administrator for Export Development and Promotion of'' before ''the Small Business Administration''.

SEC. 4. EXPORT FINANCE PROGRAMS.

(a) 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.''.

(b) 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.''.

(c) 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.''.

(d) INTERNATIONAL TRADE LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (3)(B), by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$5,000,000, of which not more than $4,000,000''; and

(2) in paragraph (16)—

(A) in subparagraph (B), by striking ''a first lien position'' and all that follows and inserting ''such collateral as is determined adequate by the Administrator.'';

(B) in subparagraph (D), by striking clauses (i) and (ii) and inserting the following:

''(i) is confronting—

''(I) increased competition with foreign firms in the relevant market; or

''(II) an unfair trade practice by a foreign firm, particularly intellectual property violations; and

''(ii) is injured by the competition or unfair trade practice.''; and

(C) by adding at the end the following:

''(F) GUARANTEE.—For a loan guaranteed under this paragraph, the Administrator shall guarantee 90 percent of the loan.

''(G) DEFINITION.—In this paragraph, the term 'small business concern' has the meaning given the term 'small-business concern' in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), in the matter preceding clause (i), by inserting ''or (D) of this paragraph or in paragraph (16) or (34)'' after ''in subparagraph (B)''; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking ''No'' and inserting ''Except as provided in paragraph (14)(B), no''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking ''Lender'' and inserting ''Lenders'';

(ii) in subparagraph (E)—

(I) by striking ''Lender'' and inserting ''Lenders''; and

(II) by striking ''subsection (a)(2)(C)(ii)'' and inserting ''subsection (a)(2)(C)(iii)''; and

(B) in paragraph (7)(B)(ii), by striking ''Lender'' and inserting ''Lenders''.

SEC. 5. MARKETING OF EXPORT LOANS.

The Administrator shall make efforts to expand the network of lenders participating in the export loan programs, including by—

(1) conducting outreach to regional and community lenders through the staff of the Administration assigned to Export Assistance Centers or to district offices of the Administration;

(2) developing a lender training program regarding the export loan programs for employees of lenders;

(3) simplifying and streamlining the application, processing, and reporting processes for the export loan programs; and

(4) establishing online, paperless processing and application submission for the export loan programs.

SEC. 6. SMALL BUSINESS TRADE POLICY.

(a) ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SMALL BUSINESS.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) by adding at the end the following:

''(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 regard to the trade issues of small-business concerns that are exporters;

''(iii) collaborate with the Administrator of the Small Business Administration with regard to the trade issues of small-business concern trade issues;

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

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

(2) by moving paragraph (5) 2 ems to the left.

(b) TRADE PROMOTION COORDINATING COMMITTEE.—

(1) DETAILEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended by adding at the end the following:

''(g) SMALL BUSINESS ADMINISTRATION.—The Administrator of the Small Business Administration shall detail an employee of the Small Business Administration having expertise in export promotion to the TPCC to encourage the TPCC to—

''(1) collaborate with the Small Business Administration with regard to trade promotion efforts; and

''(2) consider the 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)) in the development of trade promotion policies and programs.''.

(2) NATIONAL EXPORT STRATEGY.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(A) in subsection (c)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(7) include an export strategy for small-business concerns (as that term is defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662)), which shall—

''(A) be developed by the Administrator of the Small Business Administration; and

''(B) include strategies to—

''(i) increase export opportunities for small-business concerns;

''(ii) protect small-business concerns from unfair trade practices, including intellectual property violations;

''(iii) assist small-business concerns with international regulatory compliance requirements;

''(iv) coordinate policy and program efforts throughout the United States with the TPCC, the Department of Commerce, and the Export Import Bank of the United States.''; and

(B) in subsection (f), in paragraph (1), by inserting ''(including implementation of the export strategy for small business concerns described in paragraph (7) of that subsection)'' after ''the implementation of such plan''.

(c) RECOMMENDATIONS ON TRADE AGREEMENTS.—

(1) 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.

(2) 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.

(d) 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.

By Mr. KAUFMAN (for himself and Mr. BROWN):

S. 1210. A bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KAUFMAN. Mr. President, today I am introducing with Senator BROWN, the STEM Education Coordination Act of 2009. This bill addresses what we call STEM education—science, technology, engineering, and mathematics—which is critical for our competitiveness in the years and generations to come.

This bill is nearly identical to the version of H.R. 1709 reported by the House Committees on Science and Technology and on Education and Labor and which may be approved by the House of Representatives as early as today. It is quite a simple proposal. It would require coordination of Federal STEM education activities.

We can all agree that STEM education is crucial to our future. Technological innovation accounts for more than half of the growth of our economy since the Second World War. The discoveries and innovations of our STEM professionals create whole new opportunities, new industries, new companies, new products and services, and

new ways of delivering old products and services efficiently. To build a clean energy economy, to stay competitive in a globalizing world, to drive the health and science research that will improve our quality of life, we need more people trained in these skills. All too often, though, we are lagging behind other nations in producing these scientists and engineers.

Our ability to keep our lead in technology, which has defined American economic strength for generations, is deteriorating. The need for more STEM education and also particularly to reach women and underrepresented minorities is well recognized. The Congress has acted in recent years to support legislation such as the America COMPETES Act that broadens our competitiveness efforts beyond simply STEM education.

But there is also a concern that we are not using our current STEM education resources as efficiently and effectively as we could. As noted in the House Science Committee report:

> For the most part, agencies have developed their programs independently rather than sharing ''best practices'' and collaborating across agencies. Each program has also developed its own methods and criteria for evaluation, making a comparison of effectiveness across the programs impossible.

To get the most out of our efforts, this bill would require coordination of Federal STEM education activities. It would direct the Office of Science and Technology Policy to establish a committee under the National Science and Technology Council that is responsible for coordinating Federal science, technology, engineering, and math education programs and activities. These include Federal programs of the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and others. This newly formed committee will have three main responsibilities.

First, the committee will coordinate the Federal STEM education activities and programs.

Second, the committee will develop, implement, and update a 5-year STEM education achievement plan, including objectives and metrics so we can assess how well we are doing.

Third, the committee will maintain an inventory of federally sponsored STEM education programs and activities, including rates of participation by underrepresented minorities.

So that the Congress can make use of this information to advance our STEM education efforts, this bill will require an annual report that includes: One, a description of STEM education programs and activities; two, the level of funding for the programs and activities for each participating Federal agency; three, a description of the progress made in carrying out the implementation of the plan; and, four, a description of how participating Federal agencies disseminate information about available STEM education resources to States and practitioners.

This coordination is among the ideas suggested by then-Senator Obama in a bill he offered in the 110th Congress, S. 3047.

In sum, this bill will do just what its title suggests: coordinate our STEM educational activities. We not only have a duty to this Nation to make sure Federal dollars are spent as efficiently and effectively as possible, but it is also critical to our economy that we succeed in fostering a workforce that can out-discover, out-think, out-innovate, and out-produce our worldwide competition.

This legislation will help us reach these goals. In a world increasingly dominated by technology, I believe our economy, our environment, and our future depend on improving STEM education.

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. 1210

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 ''STEM Education Coordination Act of 2009''.

SEC. 2. DEFINITION.

In this Act, the term ''STEM'' means science, technology, engineering, and mathematics.

SEC. 3. COORDINATION OF FEDERAL STEM EDUCATION.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(b) RESPONSIBILITIES.—The committee established under subsection (a) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by women, underrepresented minorities, and persons in rural areas in such programs and activities.

(c) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (b)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(d) REPORT.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (b)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in schools that meet the criteria described in subsection (c)(1) (A) and (B) of section 3175 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381j(c)(1) (A) and (B)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 170—EXPRESSING THE SENSE OF THE SENATE THAT CHILDREN SHOULD BENEFIT, AND IN NO CASE BE WORSE OFF, AS A RESULT, OF REFORM OF THE NATIONS HEALTH CARE SYSTEM

Mr. CASEY (for himself, Mr. DODD, Mr. BROWN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 170

Whereas Medicaid is a cornerstone of the Nation's health care infrastructure, providing critical health coverage to Americans who have the greatest needs: children and adults whose financial means are very modest and people who are in poorer health compared to the population at-large, including individuals with significant disabilities and those with multiple chronic illnesses;

Whereas Medicaid provides health coverage to ¼ of the Nation's children and more than ½ of all low-income children;

Whereas because minority children are more likely to be from low-income families, Medicaid has been shown to reduce racial and ethnic disparities in health care, as it provides coverage for 2 out of every 5 African-American and Hispanic children;

Whereas by limiting cost-sharing and premiums, Medicaid provides a comprehensive