

S. RES. 65

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 65, a resolution honoring the 100th anniversary of Fort McCoy in Sparta, Wisconsin.

S. RES. 81

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 81, a resolution supporting the goals and ideals of World Water Day.

S. RES. 176

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 176, a resolution expressing the sense of the Senate on United States policy during the political transition in Zimbabwe, and for other purposes.

AMENDMENT NO. 1268

At the request of Mr. CHAMBLISS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 1268 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 Mr. JOHANNIS (for himself, Mr. ENZI, Mr. BROWNBACK, Mr. BOND, Mr. CHAMBLISS, Mr. ROBERTS, Mr. RISCH, Mr. BARRASSO, Mr. THUNE, Mr. CORNYN, Mr. GRAHAM, Mr. MCCAIN, Mr. CRAPO, Mr. INHOFE, Mr. ENSIGN, Mr. KYL, Mr. BUNNING, Mr. VITTER, Mrs. HUTCHISON, Mr. WICKER, Mr. COBURN, Mr. HATCH, Mr. ISAKSON, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, and Mr. DEMINT):

S. 1223. A bill to require prior Congressional approval and emergency funding resulting in Government ownership of private entities; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHANNIS. Mr. President, I rise to present a piece of legislation that I believe the Senate should consider immediately. I believe this legislation is so important that it can't wait. The legislation I introduce today is the Free Enterprise Act of 2009, and its purpose is very straightforward. The Free Enterprise Act of 2009 requires prior congressional approval of any TARP funding that results in the government taking a common or preferred equity interest in any private entity.

Since the inception of the TARP program, my colleagues from both sides of the aisle, in a very bipartisan way, have voiced concerns over the management, the oversight, and the purpose of

TARP. Yet the program continues morphing and drifting away from its original purpose: to buy toxic assets and keep credit flowing to consumers. That was the purpose of TARP when it was sold to Congress back in October. TARP was never intended—never intended—to be a revolving, \$700 billion blank check for the administration to use however it sees fit. Unfortunately, that is exactly what it has become.

First, the checks were used to bail out the banks, then to the struggling insurance giant AIG, then to the floundering housing market, and despite a December vote by Congress that rejected—specifically rejected—a bailout of the auto industry, TARP funds are now being used to bankroll the auto industry.

I am quite certain most of my colleagues would have looked at me in disbelief if I would have said a few months ago that TARP funds would essentially be used to buy a private auto company—General Motors—and then rush it through bankruptcy. Yet last Monday the Obama administration announced it would provide \$30 billion more in TARP funds to buy General Motors, owning a 60-percent interest in the company.

The bottom line is our government is now running or is very deeply involved in major industrial sectors, including housing, banking, insurance, and now automobiles. There is no longer a clear distinction between companies owned by investors and entities owned and backed by the government.

I am deeply troubled by the change in how business in America is conducted, and I am worried we are causing irreparable changes and damage to our private market system. But I am equally troubled and worried that all these ownership and management decisions are being made—literally buying a car company—without congressional input or approval.

Many may completely disagree with me and think the government should get in the auto business, that they should own a 60-percent stake in General Motors or that the government should be a 34-percent owner of Citigroup. But the one thing all my colleagues should be able to agree on is the fact that Congress needs checks and balances.

Right now, disagree or agree with me, none of us in Congress have had a voice—neither a voice in support nor a voice in opposition. We woke up, just like the citizens of America, and found out that we own 60 percent of General Motors—a decision made by President Obama literally with no oversight by Congress.

What has happened is the legislative branch has effectively given President Obama a free pass to do as he wishes with \$700 billion. But with the passage of this legislation, we can regain some type of oversight over the disbursement of TARP funds. Let's not continue to criticize the use and management of TARP funds and yet do nothing

about it. Support for this legislation is an important step in the right direction. It would ensure that Congress provides checks and balances. That is what we were elected to deliver. That is why we are here.

At the very minimum, let's at least have a vote before the government takes ownership of private companies. My bill only asks for a simple majority governed by the normal rules of the Senate. But it makes a very significant statement that Congress has not fallen asleep at the switch.

I hope my colleagues will not choose to remain silently in their seats. We must fulfill our duties to provide oversight over the executive branch. That is what our Constitution demands. I urge my colleagues, whether you support or oppose funds for private industry, to reclaim the role Congress has in this process. Doing anything less would simply be a dereliction of our duty.

When I introduced this legislation as an amendment to S. 982, it quickly got 30 cosponsors. I am very happy to report that many of these people have joined me as cosponsors, and we are nearing that number again.

I encourage all of my colleagues to support this commonsense legislation and join me as a cosponsor. We can work together to ensure that free enterprise is not relegated to the back burner in this country, and, most important, we can work together, whether you agree or disagree, to make sure Congress is not relegated to the back burner. The Free Enterprise Act is a positive step in that direction.

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. WEBB):

S. 1224. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WARNER. Mr. President, today I am introducing legislation to reauthorize the National Oceanic and Atmospheric Administration's important programs to restore the Chesapeake Bay and its aquatic resources. This measure is a companion to H.R. 1771, a bill recently introduced in the House by Representatives SARBANES, WITTMAN and KRATOVIL. Joining me in sponsoring this legislation are my colleagues Senator WEBB from Virginia and Senators MIKULSKI and CARDIN from neighboring Maryland.

Throughout my public career, I have been a strong advocate for protecting our natural resources. One of the most important efforts in Virginia's environmental history has been preservation of the Chesapeake Bay, the nation's most important estuary. I am proud that we brought record funding to efforts related to cleaning the Chesapeake Bay and the toughest regulations for water quality yet. The Commonwealth's 3,300 miles of coastal resources provide significant economic

contributions to tourism, recreation, commercial and sport fisheries, and wildlife enjoyment within our State. Yet the safety of the Bay is still in great jeopardy; pollution, habitat loss and other factors have taken their toll.

NOAA has been a principal partner with the Bay region states and other Federal agencies in efforts to protect and restore the Chesapeake Bay ecosystem since 1984. Its mission is focusing NOAA capabilities in science, service, and stewardship to protect and restore the Chesapeake Bay. Congress formally authorized NOAA's participation in the Bay in Public Law 98-210 enacted in 1992 and reauthorized the program in 2002, Public Law 107-372. That authority expired 3 years ago, in 2006, and must be reauthorized.

Over the years, NOAA's work in the Chesapeake Bay has focused on three critical and interrelated areas—ecosystem science, coastal and living resources management, and environmental education—all part of an ecosystem approach for Bay restoration and management. The agency's science and research programs, conducted in collaboration with major academic institutions, are helping decision-makers survey and assess trends in living resources, understand and evaluate the responses of these resources to changes in their environment, and establish management goals and progress indicators. Through the Chesapeake Bay Observing System and the next-generation Chesapeake Bay Integrated Buoy System, NOAA is providing monitoring data on environmental conditions and water quality in the Bay necessary to track Bay restoration progress. The NOAA Chesapeake Bay Office's fish, shellfish and habitat restoration programs are helping to restore native oysters, blue crabs, and bay grasses throughout the watershed. And NOAA's pioneering Bay Watershed Education and Training program, B-WET, is making hands-on watershed education and training available to students and teachers throughout the watershed, bringing marine and weather sciences into the classroom and helping to foster stewardship of the Bay.

NOAA administers its work throughout the 64,000 square mile, 6 State watershed from offices in Maryland and Virginia, which collaborate with State and other Federal agencies, academic institutions, and nongovernmental organizations to support Bay protection and restoration goals. In Norfolk, Virginia, the NOAA Chesapeake Bay Office's science and education programs are incorporated into exhibits at Nauticus, our State's premier maritime center, which receives more than 350,000 visitors annually, and helps inform the public about NOAA's programs and activities. At the College of William and Mary's Virginia Institute of Marine Science, VIMS, NOAA is collaborating with a major academic partner to improve understanding of Bay fisheries and support improved oyster restoration. At Stingray Point, Nor-

folk and Jamestown, NOAA has deployed first-of-its-kind CBIBS interpretive buoys that are not only providing critical real-time data streams for scientists, but multidisciplinary education tools to users of the Captain John Smith Chesapeake National Historic Water Trail. Throughout the Virginia and Maryland waters of the Chesapeake Bay, NOAA is assisting watermen impacted by reductions in blue-crab harvests.

But NOAA's work and responsibilities to the Chesapeake Bay restoration effort are far from complete. The partners in the Bay restoration need the agency's continued help and support. Throughout the Bay, ecologically important fish species are in decline or at risk due to disease, habitat loss, and other factors. Underwater grasses that once provided habitat to sustain these fisheries are at a fraction of their historic levels. As advanced as our science is, Chesapeake Bay managers still do not have adequate information about the estuary and its habitats to manage its living resources or mitigate diseases in fish and shellfish.

The legislation I am introducing today builds upon previous authorizations of the NOAA Bay Program and addresses several urgent, continuing or unmet needs in the watershed. The bill seeks to achieve five main objectives.

Increasing collaboration between the various programs and activities at NOAA to further NOAA's coastal resource stewardship mission.

Improving Bay monitoring capabilities and the coordination and organization of the substantial amounts of data collected and compiled by Federal, State, and local government agencies and academic institutions through further development of an integrated observations system and the Chesapeake Bay Interpretative Buoy System.

Strengthening the Chesapeake Bay Watershed Education and Training Program, B-WET, the competitively based program which provides students with meaningful Chesapeake Bay or stream outdoor experiences and teachers with professional development opportunities for Bay-related environmental education.

Supporting and encouraging public-private partnerships to restore finfish and shellfish populations, submerged aquatic vegetation and other critical coastal habitat through aquaculture, stock enhancements, propagation and other programs.

Ensuring that Federal funds are spent wisely and effectively on projects that have scientific and technical merit and are peer reviewed.

This legislation enhances NOAA's commitment to further scientific data collection, develops fishery management practices and habitat restoration, and strengthens Chesapeake Bay environmental education programs. Mr. President, the Bay is a national treasure and its restoration should be a national priority.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

CHESAPEAKE BAY COMMISSION,  
April 29, 2009.

Hon. MARK R. WARNER,  
U.S. Senate, Dirksen Senate Office Bldg.,  
Washington, DC.

DEAR SENATOR WARNER: It has come to my attention that you will be introducing legislation shortly to reauthorize the National Oceanic and Atmospheric Administration's (NOAA's) Chesapeake Bay Office, similar to H.R. 1771, which was recently introduced in the House of Representatives. I am writing to express our Commission's strong support for this legislation and to commend you for introducing it.

As you know, the Chesapeake Bay Commission is a tri-state legislative assembly established in 1980 to assist the states of Maryland, Virginia and Pennsylvania in cooperatively managing the Chesapeake Bay. The Commission has been a signatory to every Chesapeake Bay Agreement and continues to play a leadership role on a full spectrum of Bay issues: from managing living resources and conserving land, to protecting water quality.

We believe that reauthorizing and enhancing NOAA's Chesapeake Bay Office and its major programs in fisheries, habitat, integrated coastal observations and education are critical to the joint Federal, State and local efforts to restore Chesapeake Bay and its living resources. Our States rely heavily on NOAA's ecosystem science, coastal and living resources management, and environmental literacy capabilities to meet the commitments of Chesapeake 2000. For example:

NOAA-funded trawl surveys and stock assessment work provide information each year to help the states of MD and VA and the Potomac River Fisheries Commission decide how to manage the next season's blue crab fishery.

Since 2001 NCBO has provided over \$28M to support native oyster restoration and habitat characterization in MD and VA. Current efforts are geared toward large scale ecological restoration projects in rivers like the Wicomico and Piankatank.

NOAA provides satellite-based remote sensing data for models that help state fisheries managers develop stock assessments.

Bay Watershed Education and Training (B-WET) grants totaling \$2M-3.5M annually help provide meaningful watershed experiences for approximately 40,000 students throughout the watershed.

Chesapeake NEMO is providing direct assistance to local communities in PA, MD and VA to incorporate natural resources into local decision making.

NOAA's Chesapeake Bay Interpretive Buoy System (CBIBS) is providing critical real-time water quality, weather and interpretive information for managers, boaters, students and tourists alike.

The legislation you are introducing would reauthorize and strengthen NOAA's Chesapeake Bay Office. It would enhance monitoring capabilities through the further development of an integrated observations system and the Chesapeake Bay Interpretive Buoy System. It would bolster the Chesapeake Bay (B-WET) program which is helping to get students throughout the watershed outdoors and learning about the Bay. And it would help in our efforts to restore finfish and shellfish populations, Bay-grasses and other habitats through aquaculture and propagation programs.

In our special report to the Congress of February 2008, the Commission recommended reauthorization of the NOAA Chesapeake Bay Office and its major programs as a high priority. If the Commission can be of assistance to you or the Senate Commerce Committee as this legislation moves through the legislative process, please do not hesitate to let us know.

Sincerely,

DELEGATE JOHN. A. COSGROVE (VA.),  
*Chairman.*

FRIENDS OF THE JOHN SMITH  
CHESAPEAKE TRAIL,  
Annapolis, MD, April 29, 2009.

Hon. MARK WARNER,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR WARNER: On behalf of the Friends of the John Smith Chesapeake Trail ("the Friends"), I want to commend and thank you for your leadership in introducing the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009. The National Oceanic and Atmospheric Administration's (NOAA) Chesapeake Bay Office plays a vital role in the management and restoration of the Chesapeake Bay. We are pleased that your bill will re-authorize this important program.

Over the past three years, the Friends have worked closely with the NOAA Chesapeake Bay Office to implement the Chesapeake Bay Interpretive Buoy System (CBIBS). The system provides real-time water quality data and interpretation to further protect, restore, and manage the Chesapeake Bay and marks the Captain John Smith Chesapeake National Historic Trail. CBIBS is part of the multi-state Chesapeake Bay Observing System (CBOS), and part of the U.S. Integrated Ocean Observing System (IOOS)—systems designed to enhance our ability to collect, deliver, and use estuarine and ocean information. As you may be aware, there are currently three CBIBS buoys in the Virginia waters of the Chesapeake Bay (James River, Elizabeth River, Rappahannock River) and three buoys in Maryland (Potomac River, Patapsco River and Susquehanna River). NOAA has identified a further need for expanded coverage throughout the Bay to include many of the most important areas where water quality information is needed, including Virginia's Eastern Shore and at the mouth of the Bay.

CBIBS buoys have been designed to accommodate almost any sensor and transmit the data for real-time display. Presently they measure and report a comprehensive suite of observations, including parameters used by the Chesapeake Bay Program for assessment of impaired waters: Air temperature and relative humidity; barometric pressure; wind speed and direction; near-surface water temperature; salinity; dissolved oxygen; chlorophyll-a concentration; turbidity; and wave height, direction, and period.

The NOAA Chesapeake Bay Office has built a partnership with the National Park Service, many non-government organizations and businesses to launch this system that serves the scientific community, John Smith Trail users and citizens interested in the maritime history and culture of the Bay. CBIBS and the Captain John Smith Chesapeake National Historic Trail will function together to enhance public awareness of the natural and cultural history of the Bay. Such awareness creates tremendous motivation in restoration and conservation efforts.

The CBIBS program will (1) enhance our understanding of the Bay's biological, physical and chemical processes serve as key tool for Bay restoration; (2) promote water based tourism along the John Smith trail; (3) create an invaluable real time tool for environ-

mental education; (4) provide advanced information tools for coastal decision makers; (5) improve weather and harmful algal bloom forecasts; and (6) support safe maritime commerce. For these reasons, we are delighted that your bill includes language to formally authorize CBIBS.

The Chesapeake Bay is a wonderful national resource with a storied history. Your legislation re-authorizing NOAA's work will help ensure the vitality of our natural resources throughout the Bay. Please let us know how we can help you pass this important bill.

With warm regards,

DAVID O'NEILL,  
*President.*

By Mr. SANDERS:

S. 1225. A bill to require the Commodity Futures Trading Commission to take certain actions to prevent the manipulation of energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANDERS. Madam President, I rise today to introduce the Energy Market Manipulation Prevention Act.

Did you know we are in the midst of the worse economic crisis since the Great Depression? Millions of our fellow Americans are losing their homes, losing their jobs, losing their life savings, losing the ability to send their kids to college and, in many ways, they are losing the hope that their own children will have a brighter future and a better life than they have had. It is a very unusual moment in the history of our country.

In the midst of all of this concern and decline in the standards of living of millions of Americans, the last thing that our country needs right now is to see our people be ripped off at the gas pump this summer because of the speculators on Wall Street. Some of the very same people who caused this recession and have received the largest taxpayer bailout in American history are allowed to jack up oil prices through price manipulation and outright fraud.

This is obviously not only an issue for the moment for millions and millions of people who drive to work every day, but for truckers and farmers and all people who are dependent upon gas; and it is also an issue for many parts of our country, such as Vermont, where a lot of our people heat with oil. We are not going to sit around idly and watch the price of oil artificially rise so that elderly people who heat with oil are unable to adequately heat their homes in the wintertime.

Unfortunately, this artificial increase in oil and gas prices is exactly what is happening now, as it occurred similarly last summer, when the price of oil hit \$147 a barrel. The price of gas at the pump was over \$4 a gallon, and truckers paid more than \$5 a gallon for diesel fuel. That is where we were last summer, and we are heading back there right now, unless Congress moves in an aggressive way to say no to speculation on oil futures.

As you know, the price of oil is supposed to be based on the fundamentals

of supply and demand, not by excessive speculation. What all of us learned in economics 101 is that if there is limited supply and a lot of demand, the price of the product goes up. If there is a lot of supply and limited demand, the price goes down. That is one of the basic tenets of free market capitalism.

But interestingly, last month, crude oil inventories in the United States were at their highest level on record, while demand for oil in the United States dropped to its lowest level in more than a decade. In other words, there was a record amount of supply and less demand than we have seen over the last 10 years. Further, the International Energy Agency recently predicted that global demand for oil will drop this year to its lowest level since 1981.

What is going on? Demand is going down, supply is high, and what the fundamentals of economic theory tell us is that gas and oil prices will go down. But as everybody who fills up their gas tank today understands, that is certainly not the case, because gas and oil prices are going up.

Despite the record supply of oil and reduced demand, prices are going up, not down. In fact, the national average price of gasoline has jumped from \$1.64 a gallon late last year to over \$2.60 today. Crude oil prices recently reached a 7-month high.

The American people have a right to ask why is this happening, in contradiction to the basic economic process of supply and demand, and we have a right and the obligation to act to protect those consumers. The increased prices that millions of motorists are currently seeing have caused severe financial hardship for American families, truckers, small businesses, airlines, and farmers. It is putting enormous strain on an economy already in the throes of a deep recession.

We passed the stimulus package in order to create millions of jobs, in order to put money into the hands of working people, many of whom had lost their jobs. And now what we are seeing, as a result of this artificial increase in the price of gas and oil, is that those tax breaks we gave to working families are going not into the local economy, they are going right back to Wall Street and speculation, and they are going to the oil companies.

All of us have a responsibility to do everything we can to lower oil and gas prices immediately, so that they reflect supply and demand fundamentals, not excessive speculation. Therefore, the legislation I am introducing today will require the Commodity Futures Trading Commission to use its emergency powers to prevent the manipulation of oil prices and empower the CFTC with new authority to prohibit excessive speculation in the oil market.

Last July, the House of Representatives passed similar legislation by a vote of 402 to 19—widely bipartisan.

But that legislation, unfortunately, did not become law. In addition, this legislation would also require the CFTC to, No. 1, immediately classify all bank holding companies and hedge funds engaged in energy futures trading as non-commercial participants and subject them to strict position limits.

No. 2, this legislation would eliminate the conflict of interest that arises when a firm, a large Wall Street financial institution, has employees under one umbrella responsible for predicting the future price of oil—the so-called analysts—while the same company controls physical oil assets and trading energy derivatives.

No. 3, this legislation would immediately revoke all staff no-action letters for foreign boards of trade that have established trading terminals in the United States for the purpose of trading U.S. commodities to U.S. investors.

I am delighted that Bart Chilton, one of the commissioners at the U.S. Commodity Futures Trading Commission, has supported this legislation.

Madam President, I ask unanimous consent that his letter to me be printed in the RECORD.

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

DEAR SENATOR SANDERS: Thank you for taking the time out of your busy schedule to meet with me and Elizabeth Ritter regarding energy trading and needed regulatory reforms of our nation's commodities laws, rules and regulations. I appreciate your leadership in this area and look forward to working with you.

I did want to make a comment about your specific efforts. I commend you for your leadership in bringing transparency and accountability to U.S. energy markets. As you know, the Commodity Exchange Act provides the CFTC with broad emergency authority to take action, in its discretion, in order to maintain or restore orderly trading. In your proposed legislation, you have identified critically important areas of concern—excessive speculation in energy commodities, classification of bank holding companies and limits on their energy trading, hedge fund registration, classification and trading limits, conflicts of interest by entities that both trade and advise in the energy arena, and foreign market access. I wholeheartedly agree with you that the time to act on these issues is now, and the CFTC should aggressively utilize all available authorities as appropriate, including but not limited to emergency authority as currently defined in the CEA, to address these pressing issues.

Thank you again for your efforts on behalf of American consumers and taxpayers, and I look forward to working with you in the future on these important issues.

Sincerely,

BART CHILTON.

Mr. SANDERS. Let me briefly quote from the letter.

He says:

As you know, the Commodity Exchange Act provides the CFTC with broad emergency authority to take action, in its discretion, in order to maintain or restore orderly trading. In your proposed legislation, you have identified critically important areas of concern—excessive speculation in energy

commodities, classification of bank holding companies and limits on their energy trading, hedge fund registration, classification and trading limits, conflicts of interest by entities that both trade and advise in the energy arena, and foreign market access. I wholeheartedly agree with you that the time to act on these issues is now, and the CFTC should aggressively utilize all available authorities as appropriate, including but not limited to emergency authority as currently defined in the CEA, to address these pressing issues.

Madam President, I thank the Commissioner for his support of this legislation.

On May 28, I wrote to Gary Gensler, the new Chairman of the CFTC, urging him to undertake many of these initiatives. Last week, in my office, I discussed this issue with Mr. Gensler. He indicated that he has instructed his staff to give him a list of all of the options available to the CFTC to respond to these concerns. While I appreciate Mr. Gensler's efforts on this issue, I hope this legislation will spur the CFTC to take immediate action to lower oil prices.

The bottom line is, right now, at a time when unemployment is soaring, when the middle class is struggling to keep its head above water, the prices at the gas pump are soaring, and we worry about what oil prices in the northern parts of our country will be in the wintertime, there is very strong evidence to suggest that what we are talking about is not supply and demand but excessive speculation on the part of Wall Street in terms of pushing up oil futures.

This Congress must act to protect the middle class and working people of this country, the consumers of this country. It is time for us to demand that the CFTC take the action that is necessary.

By Mr. CASEY (for himself, Mr. BENNET, and Mr. SPECTER):

S. 1226. A bill to amend the Richard B. Russell National School Lunch Act to improve paperless enrollment and efficiency for the national school lunch and school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce a bill with Senator BENNET of Colorado, called the Paperless Enrollment for School Meals Act. Senator BENNET and I wrote this legislation because of our mutual interest in increasing the efficiency of the school lunch program both in terms of getting meals to kids who need them and lowering program costs to school districts. Congressman FATTAH and Congresswoman SCHWARTZ are leading a companion bill on the House side.

Our bill creates a national program that is modeled after a pilot project that has been used in Philadelphia for the past 18 years. The Philadelphia program provides free lunch to all kids in schools that have over 75 percent of the students eligible for free lunches. The

Philadelphia program also eliminates burdensome paper applications and replaces them with a periodic population survey that allows the U.S. Department of Agriculture to determine the reimbursement rate to the School District of Philadelphia for the meals they serve.

Modernization of the school lunch program is one of my top priorities when the Senate reauthorizes the Child Nutrition Act later this fall. The current system of requiring families to fill out paper applications at the beginning of each school year, having the school district collect and certify those applications, and then having USDA use the applications combined with the amount of meals served to determine a reimbursement rate is inefficient and outdated. Not only are paper applications inefficient, they are inaccurate. It is much more accurate to compile socio-economic data and survey populations to determine eligibility. We have anecdotal evidence of this fact in Philadelphia, where we have dramatically increased participation in school lunch through the pilot project that eliminates yearly paper applications, thereby eliminating stigma for enrollment, language barriers, and other factors that prevent eligible families from completing paper forms.

There is another way that our bill removes the stigma associated with free lunches. By providing free lunches for all students in schools that have a very high percentage of eligible children, no one is embarrassed to get their free lunch in the lunch line. Every student gets the same meal, so no knows who is getting free lunches or reduced lunches. This is a very simple policy change that can get more kids eating school lunches—kids who might otherwise go hungry that day because they don't have food at home.

Senator BENNET and I have been working on this issue for months both separately and now collaboratively with our new legislation. And we know that this is just a starting point. We have introduced this legislation to start a dialogue with Chairman HARKIN and the other members of the Committee on Agriculture Nutrition and Forestry along with our colleagues at USDA. I think that there is a lot of energy around the ideas of paperless applications and universal meals included in our bill. I encourage all Senators to support this legislation and the principles of the national program Senator BENNET and I have outlined and save our schools money while increasing access to quality school meals for the kids who need them the most.

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. 1226

*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 “Paperless Enrollment for School Meals Act of 2009”.

**SEC. 2. DATA-BASED ELIGIBILITY FOR SCHOOL MEALS PROGRAMS.**

(a) **ELIGIBILITY.**—Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

“(F) DATA-BASED ELIGIBILITY.—

“(i) **IN GENERAL.**—A school or local educational agency may elect to receive special assistance payments under clause (ii) in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if the school or local educational agency—

“(I) elects to serve all children in the school or local educational agency free lunches and breakfasts under the school lunch program and school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), during a period of 5 successive school years; and

“(II) pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(ii) **ALTERNATIVE DATA SOURCES.**—Subject to criteria established by the Secretary not later than December 31, 2010, special assistance payments under clause (i) may be based on an estimate of the number of children eligible for free and reduced price lunches under section 9(b)(1)(A) derived from recent data other than applications, including—

“(I) a socioeconomic survey of a representative sample of households of students, which may exclude students who have been directly certified under paragraphs (4) and (5) of section 9(b);

“(II) data from the American Community Survey of the Bureau of the Census;

“(III) data on receipt of income-tested public benefits by students or the households of students or income data collected by public benefit programs, including—

“(aa) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

“(bb) the medical assistance program under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

“(cc) the supplemental security income program established under title XVI of that Act (42 U.S.C. 1381 et seq.);

“(dd) the program of block grants to States for temporary assistance for needy families established under part A of title IV of that Act (42 U.S.C. 601 et seq.); or

“(IV) other data, including State or local survey data and State or local tax records.

“(iii) **PAYMENTS.**—

“(I) **FREE MEALS.**—For each month of the period during which a school or local educational agency described in clause (i) serves free lunches or breakfasts to all enrolled children, special assistance payments at the rate for free meals shall be made for a percentage of all reimbursable meals served that is equal to the percentage of students estimated to be eligible for free meals.

“(II) **REDUCED PRICE MEALS.**—For each month of the period during which the school or local educational agency serves free lunches or breakfasts to all enrolled children, special assistance payments at the rate for reduced price meals shall be made for a percentage of all reimbursable meals served that is equal to the percentage of students estimated to be eligible for reduced price meals.

“(III) **OTHER MEALS.**—For each month of the period during which the school or local educational agency serves free lunches or breakfasts to all enrolled children, food assistance payments at the rate provided under section 4 shall be made for the remainder of the reimbursable meals served.

“(iv) **RENEWALS.**—

“(I) **IN GENERAL.**—A school or local educational agency described in clause (i) may reapply to the Secretary at the end of the period described in clause (i), and at the end of each period thereafter for which the school or local educational agency receives special assistance payments under this subparagraph, for the purpose of continuing to receive the reimbursements and assistance for a subsequent 5-school-year period.

“(II) **APPROVAL.**—The Secretary shall approve an application under this clause if available socioeconomic data demonstrate that the income level of the population of the school or local educational agency has remained consistent with or below the income level of the population of the school or local educational agency in the last year in which reimbursement rates were determined under clause (ii).

“(III) **DATA.**—Not later than December 31, 2010, the Secretary shall establish criteria regarding the socioeconomic data that may be used when applying for a renewal of the special assistance payments for a subsequent 5-school-year period.

“(G) **HIGH-POVERTY AREAS.**—

“(i) **IN GENERAL.**—A school or local educational agency may elect to receive special assistance payments under clause (ii) in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if the school or local educational agency—

“(I) during a period of 2 successive school years, elects to serve all children in the school or local educational agency free lunches and breakfasts under the school lunch program under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

“(II) pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(III)(aa) for a local educational agency, for the prior school year, directly certified under paragraphs (4) and (5) of section 9(b) at least 50 percent of the enrolled students;

“(bb) for a school, for the prior school year, directly certified under paragraphs (4) and (5) of section 9(b) at least 60 percent of the enrolled students; or

“(cc) for a local educational agency or school that received payments under this subparagraph for the prior school year, directly certifies under paragraphs (4) and (5) of section 9(b) at least 40 or 50 percent, respectively, of the enrolled students.

“(ii) **PAYMENTS.**—

“(I) **IN GENERAL.**—For each month of the school year, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) 1.5; by

“(bb) the percentage of students directly certified under paragraphs (4) and (5) of section 9(b), up to a maximum of 100 percent.

“(II) **OTHER MEALS.**—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

“(iii) **ELECTION OF OPTION.**—

“(I) **IN GENERAL.**—Any school or local educational agency eligible for the option under clause (i) may elect to receive special assistance payments under clause (ii) for the next school year if the school or local educational agency provides to the State agency evidence of the percentage of students directly certified not later than June 30 of the current school year.

“(II) **STATE AGENCY NOTIFICATION.**—Not later than May 1 of each school year, each State agency shall notify—

“(aa) any local educational agency that appears, based on reported verification summary data, to have directly certified at least 50 percent of the enrolled students for the current school year, that the local educational agency may be eligible to elect to receive special assistance payments under clause (ii) for the next 2 school years and explain the procedures for the local educational agency to make such an election; and

“(bb) any local educational agency that appears, based on reported verification summary data, to have directly certified at least 40 percent of the enrolled students for the current school year, that the local educational agency may become eligible to elect to receive special assistance payments under clause (ii) for a future school year if the local educational agency directly certifies at least 50 percent of the enrolled students.

“(III) **LOCAL EDUCATIONAL AGENCY NOTIFICATION.**—Not later than May 1 of each school year, each local educational agency shall notify—

“(aa) any school that directly certified at least 60 percent of the enrolled students for the current school year, that the school is eligible to elect to receive special assistance payments under clause (ii) for the next school year and explain the procedures for the school to make such an election; and

“(bb) any school that directly certified at least 50 percent of the enrolled students for the current school year, that the school may become eligible to elect to receive special assistance payments under clause (ii) for a future school year if the school directly certifies at least 60 percent of the enrolled students.

“(IV) **PROCEDURES.**—Not later than December 31, 2010, the Secretary shall establish procedures for State agencies, local educational agencies, and schools to meet the requirements of this clause and to exercise the option provided under clause (i).”.

(b) **CONFORMING AMENDMENTS.**—Section 11(a)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is amended by striking “or (E)” and inserting “(E), (F), or (G)”.

By Mr. AKAKA (for himself and Mr. PRYOR):

S. 1228. A bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I introduce the Administrative Judge Leave Equity Act, a bill to provide leave equity for Administrative Law Judges, ALJs, Contract Board of Appeals Judges, CBAJs, and Immigration Law Judges. I am pleased to be joined in this effort by my friend, Senator MARK PRYOR.

In 2004, Congress passed the Federal Workforce Flexibility Act, which changed the leave accrual rate for mid-

career employees entering the Federal workforce. Under the Act, agency heads were given the discretion to allow workers to qualify a period of an employee's non-Federal career experience as a period of Federal service. Additionally, the Act stated that all senior executives and senior-level employees accrued annual leave at the maximum rate of eight hours for each biweekly pay period.

Although senior executives were placed under a pay-for-performance system, administrative law judges accrued leave at the maximum rate, the same as other senior-level employees. Under the last administration, the Office of Personnel Management denied administrative law judges leave equity because they are not under a pay-for-performance system. I believe it is inappropriate for administrative law judges to be placed under any type of pay-for-performance system because it could compromise their independence. Independent decisionmaking is essential for administrative law judges, and is the reason ALJs and CBAJs do not receive bonus awards.

Currently, there is a shortage of ALJs to adjudicate benefits claims in the Social Security Administration. There are approximately 765,000 cases pending and not enough ALJs to process the backlog. I believe this bill will provide the Federal Government with an important tool in its efforts to recruit and retain highly-skilled administrative law judges.

I am pleased that this bill enjoys broad support from employee groups that represent administrative law judges, including the Association of Administrative Law Judges, the Association of Hearing Office Chief Judges, the Federal Administrative Law Judges Conference, the Forum of U.S. Administrative Law Judges, the International Federation of Professional and Technical Engineers, the National Association of Immigration Judges, and the Senior Executives Association.

The time has come to give administrative law judges the same benefits as other senior-level employees.

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. 1228

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

**SECTION 1. ACCRUAL RATE OF ANNUAL LEAVE FOR ADMINISTRATIVE LAW JUDGES, CONTRACT APPEALS BOARD MEMBERS, AND IMMIGRATION JUDGES.**

(a) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) Notwithstanding any other provision of this section, the rate of accrual of annual leave under subsection (a) shall be 1 day for each full biweekly pay period in the case of any employee who—

“(1) holds a position which is subject to—

“(A) section 5372, 5372a, 5376, or 5383; or

“(B) a pay system equivalent to a pay system to which any provision under paragraph

(1) applies, as determined by the Office of Personnel Management; or

“(2) is an immigration judge as defined under section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the first day of the first applicable pay period beginning on or after 30 days after the date of enactment of this Act.

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

S. 1229. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, the Small Business Administration has provided critical financial assistance and counseling to America's small businesses since 1953. The services and assistance provided through SBAs programs have been pivotal to this country's economic growth and have helped thousands of American entrepreneurs realize their dream of starting and growing a successful business. In this time of economic uncertainty, reauthorization of these entrepreneurial development programs is essential to moving our Nation forward.

What helps our entrepreneurs helps our entire economy. According to the U.S. Census Bureau, small businesses represent 99.7 percent of all firms, employ more than half of the workforce and account for half of the Nation's Gross Domestic Product. Small business management and technical assistance can potentially help millions of small businesses by teaching entrepreneurs and small business owners fundamental principles and practices regarding cash flow, cost management, how to access to capital and effective business planning. The SBA, through its resource partners such as Small Business Development Centers, SBDCs, Women's Business Centers, WBCs, Service Corps of Retired Executives, SCORE, and others, not only provides technical assistance and information to potential and current small business owners, but helps focus this Nation's entrepreneurial spirit into concrete economic growth.

As Chair of the Committee on Small Business and Entrepreneurship, I have heard from small business owners across the country. They have told me that the programs and services currently offered by the Small Business Administration provide access to important resources that enable them to start, grow and expand their businesses. But more can and must be done to help these entrepreneurs. Through an extensive reauthorization of the entrepreneurial development programs within the Small Business Act, I believe that we can dramatically improve the tools available to small business concerns while simultaneously growing and strengthening our economy.

That is why today I am introducing the Entrepreneurial Development Act

of 2009. This legislation will provide SBA resource partners with the tools they need to effectively serve small businesses, giving them more opportunities to help lead the nation back toward economic prosperity.

Before I discuss details of this bill, I first wish to thank Senator SNOWE for her continued leadership on small business issues and working with me on this bipartisan effort. Over the past three congresses, the reauthorization of these programs has continued to receive support on both sides of the aisle, demonstrating the importance of reauthorizing essential entrepreneurial development programs.

SBA is utilizing resource partners such as SBDCs, SCORE, WBCs and others to ensure that we are growing the Nation's economy through entrepreneurial development. In 2007, with a modest Federal investment of approximately \$97 million in assistance, SBDC clients generated nearly \$220 million in additional Federal revenues. Many of the small businesses that received assistance from SBDC's attributed their success to assistance offered by the SBDC. Nationally, this economic activity resulted in approximately \$2.26 in revenue for every Federal dollar expended.

This level of return on investment is not unique to SBDCs. According to an SBA report to Congress, SCORE helped create more than 19,000 new small businesses in 2007 at a cost of \$29 per business and helped create more than 25,000 new jobs each year.

These programs also provide essential information, training and assistance to a broad and diverse cross-section of communities throughout the country, and serve to further grow a variety of industries. Resource partners such as WBCs and initiatives such as the Program for Investment in Microentrepreneurs, PRIME, are dedicated to serving clients who are economically and socially disadvantaged, providing tools and resources to small businesses in those communities that are most in need. According to a study sponsored by the Association of Women's Business Centers, AWBC, 2/3 of WBC clients have household incomes of less than \$50,000 and 42 percent are women of color. These programs serve communities with limited access to capital and educational opportunities and provide them with the tools and information they need to start and manage a successful business.

The reauthorization of these programs is critical to effectively provide entrepreneurs with essential assistance and resources to start a successful business. The legislation will also create opportunities for veterans and service disabled small business owners. According to the Department of Veteran Affairs, there are more than 23.8 million veterans in the country, with hundreds of new veterans returning home from service in Iraq and Afghanistan each day. Many of these returning soldiers become entrepreneurs to support



themselves and rebuild their lives after long deployments, which also serves to create new jobs in their communities.

Since the passage of The Veterans Entrepreneurship and Small Business Development Act of 1999, the SBA's Office of Veterans Business Development has been working to provide technical assistance and support to those veterans who have served our country and returned to start or grow a small business. This legislation seeks to ease their transition by providing business counseling and technical assistance through a new network of Veterans Business Centers, modeled after Women's Business Centers and Small Business Development Centers. The Veterans Business Center Program will provide services not only to returning veterans and service disabled veterans, but also to the families, spouses and surviving spouses of these heroic men and women.

The 111th Congress will be the third consecutive Congress during which comprehensive legislation reauthorizing and improving the SBA's Entrepreneurial Programs has been introduced. Ranking Member SNOWE introduced S. 3778 in the 109th Congress and former Chairman JOHN KERRY introduced S. 1671 and S. 2920, a bill to which I was a cosponsor, during the 110th Congress. In each previous Congress, this legislation was well received and passed unanimously out of Committee; however, these bills stalled before the full Senate. As Chair of the Small Business Committee this Congress, it is a top priority of mine to finally get this legislation passed and ensure that during this time of economic uncertainty, we are able to provide small businesses with the tools they need to grow and expand their businesses. With this in mind, I will work closely with Ranking Member SNOWE and the other members of the Committee 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. 1229

*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 "Entrepreneurial Development Act of 2009".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

#### TITLE I—REAUTHORIZATION

- Sec. 101. Reauthorization.

#### TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

- Sec. 201. Office of Women's Business Ownership.
- Sec. 202. Women's Business Center Program.
- Sec. 203. National Women's Business Council.

- Sec. 204. Interagency Committee on Women's Business Enterprise.

- Sec. 205. Preserving the independence of the National Women's Business Council.

- Sec. 206. Study and report on women's business centers.

#### TITLE III—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

- Sec. 301. Short title.
- Sec. 302. Native American small business development program.
- Sec. 303. Study and report on Native American business centers.

- Sec. 304. Office of Native American Affairs pilot program.

#### TITLE IV—VETERANS' BUSINESS CENTER PROGRAM

- Sec. 401. Veterans' business center program; Office of Veterans Business Development.
- Sec. 402. Reporting requirement for interagency task force.
- Sec. 403. Repeal and renewal of grants.

#### TITLE V—PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS

- Sec. 501. PRIME reauthorization.
- Sec. 502. Conforming repeal and amendments.
- Sec. 503. References.
- Sec. 504. Rule of construction.

#### TITLE VI—OTHER PROVISIONS

- Sec. 601. Institutions of higher education.
- Sec. 602. Health insurance options information for small business concerns.
- Sec. 603. National Small Business Development Center Advisory Board.
- Sec. 604. Privacy requirements for SCORE chapters.
- Sec. 605. National small business summit.
- Sec. 606. SCORE program.
- Sec. 607. Assistance to out-of-state small businesses.
- Sec. 608. Small business development centers.
- Sec. 609. Evaluation of pilot programs.

#### SEC. 3. DEFINITIONS.

In this Act—

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

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

(3) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

#### TITLE I—REAUTHORIZATION

##### SEC. 101. REAUTHORIZATION.

(a) IN GENERAL.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by redesignating subsection (j) as subsection (f); and

(2) by adding at the end the following:

"(g) SCORE PROGRAM.—There are authorized to be appropriated to the Administrator to carry out the SCORE program authorized by section 8(b)(1) such sums as are necessary for the Administrator to make grants or enter into cooperative agreements for a total of—

"(1) \$10,000,000 in fiscal year 2010;

"(2) \$11,000,000 in fiscal year 2011; and

"(3) \$13,000,000 in fiscal year 2012."

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(a)(4)(C)(vii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(vii)) is amended to read as follows:

"(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

"(I) \$150,000,000 for fiscal year 2010;

"(II) \$155,000,000 for fiscal year 2011; and

"(III) \$160,000,000 for fiscal year 2012."

(c) PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.—

(1) IN GENERAL.—Section 27(g) of the Small Business Act (15 U.S.C. 654(g)) is amended—

(A) in paragraph (1), by striking "fiscal years 2005 and 2006" and inserting "fiscal years 2010 through 2012"; and

(B) in paragraph (2), by striking "fiscal years 2005 and 2006" and inserting "fiscal years 2010 through 2012".

(2) CONFORMING AMENDMENT.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "October 1, 2006" and inserting "October 1, 2012".

#### TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

##### SEC. 201. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

(a) IN GENERAL.—Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking "in the areas" and all that follows through the end of subclause (I), and inserting the following: "to address issues concerning the management, operations, manufacturing, technology, finance, retail and product sales, international trade, Government contracting, and other disciplines required for—

"(I) starting, operating, and increasing the business of a small business concern;" and

(B) in subparagraph (C), by inserting before the period at the end the following: ", the National Women's Business Council, and any association of women's business centers"; and

(2) by adding at the end the following:

"(3) TRAINING.—The Administrator may provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities.

"(4) PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall maximize the transparency of the women's business center financial assistance proposal process and the programmatic and financial oversight process by—

"(A) providing public notice of the announcement for financial assistance under subsection (b) and grants under subsection (1) not later than the end of the first quarter of each fiscal year;

"(B) in the announcement described in subparagraph (A), outlining award and program evaluation criteria and describing the weighting of the criteria for financial assistance under subsection (b) and grants under subsection (1);

"(C) minimizing paperwork and reporting requirements for applicants for and recipients of financial assistance under this section;

"(D) standardizing the oversight and review process of the Administration; and

"(E) providing to each women's business center, not later than 60 days after the completion of a site visit at the women's business center (whether conducted for an audit, performance review, or other reason), a copy of site visit reports and evaluation reports prepared by district office technical representatives or officers or employees of the Administration."

(b) CHANGE OF TITLE.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1) and (4);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(iii) by inserting before paragraph (4), as so redesignated, the following:

“(2) the term ‘Director’ means the Director of the Office of Women’s Business Ownership established under subsection (g);”;

(B) by striking “Assistant Administrator” each place it appears and inserting “Director”; and

(C) in subsection (g)(2), in the paragraph heading, by striking “ASSISTANT ADMINISTRATOR” and inserting “DIRECTOR”.

(2) WOMEN’S BUSINESS OWNERSHIP ACT OF 1988.—Title IV of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(A) in section 403(a)(2)(B), by striking “Assistant Administrator” and inserting “Director”;

(B) in section 405, by striking “Assistant Administrator” and inserting “Director”; and

(C) in section 406(c), by striking “Assistant Administrator” and inserting “Director”.

#### SEC. 202. WOMEN’S BUSINESS CENTER PROGRAM.

(a) WOMEN’S BUSINESS CENTER FINANCIAL ASSISTANCE.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by inserting before paragraph (2), as added by section 201(b), the following:

“(1) the term ‘association of women’s business centers’ means an organization—

“(A) that represents not less than 51 percent of the women’s business centers that participate in a program under this section; and

“(B) whose primary purpose is to represent women’s business centers;”;

(B) by inserting after paragraph (2), as added by section 201(b), the following:

“(3) the term ‘eligible entity’ means—

“(A) a private nonprofit organization;

“(B) a State, regional, or local economic development organization;

“(C) a development, credit, or finance corporation chartered by a State;

“(D) a public or private institution of higher education (as that term is used in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002)); or

“(E) any combination of entities listed in subparagraphs (A) through (D);”;

(C) by adding after paragraph (5), as redesignated by section 201(b), the following:

“(6) the term ‘women’s business center’ means a project conducted by an eligible entity under this section that—

“(A) is carried out separately from other projects, if any, of the eligible entity; and

“(B) is separate from the financial system of the eligible entity.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking “The Administration” and all that follows through “5-year project” and inserting the following:

“(1) IN GENERAL.—The Administration may provide financial assistance to an eligible entity to conduct a project under this section”;

(C) by striking “The projects shall” and inserting the following:

“(2) USE OF FUNDS.—The project shall be designed to provide training and counseling that meets the needs of women, especially socially and economically disadvantaged women, and shall provide”; and

(D) by adding at the end the following:

“(3) AMOUNT OF FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administrator may award financial assistance under this subsection of not less than \$150,000 per year.

“(B) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide financial assistance of \$150,000 for each recipient of financial assist-

ance under this subsection in any fiscal year, available funds shall be allocated equally to recipients, unless a recipient requests a lower amount than the allocated amount.

“(4) CONSULTATION WITH ASSOCIATIONS OF WOMEN’S BUSINESS CENTERS.—The Administrator shall consult with each association of women’s business centers to develop—

“(A) a training program for the staff of women’s business centers and the Administration; and

“(B) recommendations to improve the policies and procedures for governing the general operations and administration of the Women’s Business Center program, including grant program improvements under subsection (g)(5).”;

(3) in subsection (c)—

(A) in paragraph (1) by striking “the recipient organization” and inserting “an eligible entity”;

(B) in paragraph (3), in the second sentence, by striking “a recipient organization” and inserting “an eligible entity”; and

(C) in paragraph (4)—

(i) by striking “recipient” each place it appears and inserting “eligible entity”; and

(ii) by striking “such organization” and inserting “the eligible entity”;

(4) in subsection (e)—

(A) by striking “applicant organization” and inserting “eligible entity”;

(B) by striking “a recipient organization” and inserting “an eligible entity”; and

(C) by striking “site”;

(5) by striking subsection (f) and inserting the following:

“(f) APPLICATIONS AND CRITERIA FOR INITIAL FINANCIAL ASSISTANCE.—

“(1) APPLICATION.—Each eligible entity desiring financial assistance under subsection (b) shall submit to the Administrator an application that contains—

“(A) a certification that the eligible entity—

“(i) has designated an executive director or program manager, who may be compensated from financial assistance under subsection (b) or other sources, to manage the center on a full-time basis; and

“(ii) as a condition of receiving financial assistance under subsection (b), agrees—

“(I) to receive a site visit by the Administrator as part of the final selection process;

“(II) to undergo an annual programmatic and financial review; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or review under subclause (I) or (II);

“(iii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

“(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women’s business center for which financial assistance under subsection (b) is sought, including the ability to obtain the non-Federal contribution required under subsection (c);

“(C) information relating to the assistance to be provided by the women’s business center for which financial assistance under subsection (b) is sought in the area in which the women’s business center site is located;

“(D) information demonstrating the experience and effectiveness of the eligible entity in—

“(i) conducting financial, management, and marketing assistance programs, as described under subsection (b)(2), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

“(ii) providing training and services to a representative number of women who are socially and economically disadvantaged; and

“(iii) using resource partners of the Administration and other entities, such as universities; and

“(E) a 5-year plan that describes the ability of the women’s business center for which financial assistance is sought—

“(i) to serve women who are business owners or potential owners by conducting training and counseling activities; and

“(ii) to provide training and services to a representative number of women who are socially and economically disadvantaged.

“(2) ADDITIONAL INFORMATION.—The Administrator shall make any request for additional information from an organization applying for financial assistance under subsection (b) that was not requested in the original announcement in writing.

“(3) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administrator shall—

“(i) review each application submitted under paragraph (1), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

“(ii) to the extent practicable, as part of the final selection process, conduct a site visit at each women’s business center for which financial assistance under subsection (b) is sought.

“(B) SELECTION CRITERIA.—

“(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under subsection (b) in accordance with selection criteria that are—

“(I) established before the date on which applicants are required to submit the applications;

“(II) stated in terms of relative importance; and

“(III) publicly available and stated in each solicitation for applications for financial assistance under subsection (b) made by the Administrator.

“(ii) REQUIRED CRITERIA.—The selection criteria for financial assistance under subsection (b) shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or enhance the business skills of women who are business owners or potential business owners;

“(II) the ability of the applicant to commence a project within a minimum amount of time;

“(III) the ability of the applicant to provide training and services to a representative number of women who are socially and economically disadvantaged; and

“(IV) the location for the women’s business center site proposed by the applicant, including whether the applicant is located in a State in which there is not a women’s business center receiving funding from the Administration.

“(C) PROXIMITY.—If the principal place of business of an applicant for financial assistance under subsection (b) is located less than 50 miles from the principal place of business of a women’s business center that received funds under this section on or before the date of the application, the applicant shall not be eligible for the financial assistance, unless the applicant submits a detailed written justification of the need for an additional center in the area in which the applicant is located.

“(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.”; and

(6) in subsection (m), by striking paragraph (3) and inserting the following:

“(3) APPLICATION AND APPROVAL FOR RE-NEWAL GRANTS.—



“(A) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

“(i) a certification that the applicant—

“(I) is a private nonprofit organization;

“(II) has designated a full-time executive director or program manager to manage the women’s business center operated by the applicant; and

“(III) as a condition of receiving a grant under this subsection, agrees—

“(aa) to receive a site visit as part of the final selection process;

“(bb) to submit, for the 2 full fiscal years before the date on which the application is submitted, annual programmatic and financial review reports or certified copies of the compliance supplemental audits under OMB Circular A-133 of the applicant; and

“(cc) to remedy any problem identified pursuant to the site visit or review under item (aa) or (bb);

“(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women’s business center for which a grant under this subsection is sought, including the ability to obtain the non-Federal contribution required under paragraph (4)(C);

“(iii) information relating to assistance to be provided by the women’s business center for which a grant under this subsection is sought in the area of the women’s business center site;

“(iv) information demonstrating the use of resource partners of the Administration and other entities;

“(v) a 3-year plan that describes the ability of the women’s business center for which a grant under this subsection is sought—

“(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

“(II) to provide training and services to a representative number of women who are socially and economically disadvantaged; and

“(vi) any additional information that the Administrator may reasonably require.

“(B) REVIEW AND APPROVAL OF APPLICATIONS FOR GRANTS.—

“(i) IN GENERAL.—The Administrator shall—

“(I) review each application submitted under subparagraph (A), based on the information described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

“(II) whenever practicable, as part of the final selection process, conduct a site visit at each women’s business center for which a grant under this subsection is sought.

“(ii) SELECTION CRITERIA.—

“(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

“(aa) established before the date on which applicants are required to submit the applications;

“(bb) stated in terms of relative importance; and

“(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

“(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—

“(aa) the total number of entrepreneurs served by the applicant;

“(bb) the total number of new start-up companies assisted by the applicant;

“(cc) the percentage of the clients of the applicant that are socially or economically disadvantaged; and

“(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged.

“(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—

“(I) shall consider the results of the most recent evaluation of the women’s business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

“(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

“(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application.

“(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (h)(2), by striking “to award a contract (as a sustainability grant) under subsection (l) or”; and

(2) in subsection (j)(1), by striking “The Administration” and inserting “Not later than November 1st of each year, the Administrator”; and

(3) in subsection (k)—

(A) by striking paragraphs (1), (2), and (4);

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting before paragraph (5), as so redesignated, the following:

“(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

“(A) \$20,000,000 for fiscal year 2010;

“(B) \$20,500,000 for fiscal year 2011; and

“(C) \$21,000,000 for fiscal year 2012.

“(2) ALLOCATION.—Of amounts made available pursuant to paragraph (1), the Administrator shall use not less than 50 percent for grants under subsection (l).

“(3) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

“(4) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(A) IN GENERAL.—The authority of the Administrator to provide financial assistance under this section shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

“(B) PROMPT DISBURSEMENT.—Upon receiving funds to carry out this section for a fiscal year, the Administrator shall, to the extent practicable, promptly reimburse funds to any women’s business center awarded financial assistance under this section if the center meets the eligibility requirements under this section.

“(C) RENEWAL.—After the Administrator has entered into a grant or cooperative agreement with any women’s business center under this section, the Administrator shall not suspend, terminate, or fail to renew or extend any such grant or cooperative agreement, unless the Administrator—

“(i) provides the women’s business center with written notification setting forth the reasons for that action; and

“(ii) affords the center an opportunity for a hearing, appeal, or other administrative

proceeding under chapter 5 of title 5, United States Code.”;

(4) in subsection (m)(4)(D), by striking “or subsection (l)”; and

(5) by redesignating subsections (m) and (n), as amended by this Act, as subsections (l) and (m), respectively.

## SEC. 203. NATIONAL WOMEN’S BUSINESS COUNCIL.

(a) MEMBERSHIP.—Section 407(f) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

“(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—In consultation with the chairperson of the Council and the Administrator, a national women’s business organization or small business concern that is represented on the Council may replace its representative member on the Council during the service term to which that member was appointed.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking “2001 through 2003, of which \$550,000” and inserting “2010 through 2012, of which not less than 30 percent”.

## SEC. 204. INTERAGENCY COMMITTEE ON WOMEN’S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking “Not later” and inserting the following:

“(1) IN GENERAL.—Not later”; and

(2) by adding at the end the following:

“(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).”.

(b) POLICY ADVISORY GROUP.—Section 401 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

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

“(a) ESTABLISHMENT OF COMMITTEE.—There”; and

(2) by adding at the end the following:

“(b) POLICY ADVISORY GROUP.—

“(1) ESTABLISHMENT.—There is established a Policy Advisory Group within the Interagency Committee to assist the chairperson in developing policies and programs under this Act.

“(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

“(A) 1 shall be a representative of the Small Business Administration;

“(B) 1 shall be a representative of the Department of Commerce;

“(C) 1 shall be a representative of the Department of Labor;

“(D) 1 shall be a representative of the Department of Defense;

“(E) 1 shall be a representative of the Department of the Treasury; and

“(F) 2 shall be representatives of the Council.

“(3) MEETINGS.—The Policy Advisory Group established under paragraph (1) shall meet not less frequently than 3 times each year to—

“(A) plan activities for the new fiscal year;

“(B) track year-to-date agency contracting activities; and

“(C) evaluate the progress during the fiscal year and prepare an annual report.”.

## SEC. 205. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN’S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

- (A) the President;
- (B) Congress;
- (C) the Interagency Committee on Women's Business Enterprise; and
- (D) the Administrator.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chairman and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President, and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide the President, the Interagency Committee on Women's Business Enterprise, the Administrator, and Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

“(4) PARTISAN BALANCE.—When filling a vacancy under paragraph (1) of this subsection of a member appointed under paragraph (1) or (2) of subsection (b), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

“(5) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there is an imbalance in the number of members on the Council from each of the 2 major political parties for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.”.

#### SEC. 206. STUDY AND REPORT ON WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing women's business centers located in covered areas to identify—

- (1) the difficulties such centers face in raising non-Federal funds;
- (2) the difficulties such centers face competing for financial assistance, non-Federal funds, or other types of assistance;
- (3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the type of covered area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study conducted under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties women's business centers located in covered areas face because of the type of covered area in which such centers are located;

(2) expand the presence of, and increase the services provided by, women's business centers located in covered areas; and

(3) best use technology and other resources to better serve women business owners located in covered areas.

(c) DEFINITION OF COVERED AREA.—In this section, the term “covered area” means—

(1) any State that is predominantly rural, as determined by the Administrator;

(2) any State that is predominantly urban, as determined by the Administrator; and

(3) any State or territory that is an island.

#### TITLE III—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

##### SEC. 301. SHORT TITLE.

This title may be cited as the “Native American Small Business Development Act of 2009”.

##### SEC. 302. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

##### “SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

“(2) the term ‘Alaska Native corporation’ has the meaning given the term ‘Native Corporation’ in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m));

“(3) the term ‘Assistant Administrator’ means the Assistant Administrator of the Office of Native American Affairs established under subsection (b);

“(4) the terms ‘center’ and ‘Native American business center’ mean a center established under subsection (c);

“(5) the term ‘eligible applicant’ means—

“(A) an Indian tribe;

“(B) a tribal college;

“(C) an Alaska Native corporation; or

“(D) a private, nonprofit organization—

“(i) that provides business and financial or procurement technical assistance to any entity described in subparagraph (A), (B), or (C); and

“(ii) the majority of members of the board of directors of which are members of an Indian tribe; or

“(E) a small business development center, women's business center, or other private organization participating in a joint project;

“(6) the term ‘Indian’ means a member of an Indian tribe;

“(7) the term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(8) the term ‘joint project’ means a project that—

“(A) combines the resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community; and

“(B) submits to the Administration a joint application that contains—

“(i) a certification that each participant of the project—

“(I) is an eligible applicant;

“(II) employs an executive director or program manager to manage the center; and

“(ii) provides information demonstrating a record of commitment to providing assistance to Native Americans and;

“(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the project;

“(9) the term ‘Native American Business Enterprise Center’ means an entity providing business development assistance to federally recognized tribes and Native Americans under a grant from the Minority Business Development Agency of the Department of Commerce;

“(10) the term ‘Native American small business concern’ means a small business concern that is owned and controlled by—

“(A) a member of an Indian tribe; or

“(B) an Alaska Native or Alaska Native corporation;

“(11) the term ‘Native American small business development program’ means the program established under subsection (c);

“(12) the term ‘tribal college’ has the meaning given the term ‘tribally controlled college or university’ has in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)); and

“(13) the term ‘tribal lands’ means all lands within the exterior boundaries of any Indian reservation.

“(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

“(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Assistant Administrator, shall implement the programs of the Administration for the development of business enterprises by Native Americans.

“(2) PURPOSE.—The purpose of the Office of Native American Affairs is to assist Native American entrepreneurs to—

“(A) start, operate, and increase the business of small business concerns;

“(B) develop management and technical skills;

“(C) seek Federal procurement opportunities;

“(D) increase employment opportunities for Native Americans through the establishment and expansion of small business concerns; and

“(E) increase the access of Native Americans to capital markets.

“(3) ASSISTANT ADMINISTRATOR.—

“(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Assistant Administrator of the Office of Native American Affairs in accordance with this paragraph.

“(B) QUALIFICATIONS.—The Assistant Administrator appointed under subparagraph (A) shall have—

“(i) knowledge of Native American culture; and

“(ii) experience providing culturally tailored small business development assistance to Native Americans.

“(C) EMPLOYMENT STATUS.—The Administrator shall establish the position of Assistant Administrator as—

“(i) a position at GS-15 of the General Schedule; or

“(ii) a Senior Executive Service position to be filled by a noncareer appointee, as defined under section 3132(a)(7) of title 5, United States Code.

“(D) RESPONSIBILITIES AND DUTIES.—The Assistant Administrator shall—

“(i) in consultation with the Associate Administrator for Entrepreneurial Development, administer and manage the Native American Small Business Development program established under this section;

“(ii) recommend the annual administrative and program budgets for the Office of Native American Affairs;

“(iii) consult with Native American business centers in carrying out the program established under this section;

“(iv) recommend appropriate funding levels;

“(v) review the annual budgets submitted by each applicant for the Native American Small Business Development program;

“(vi) select applicants to participate in the program under this section;

“(vii) implement this section; and

“(viii) maintain a clearinghouse for the dissemination and exchange of information between Native American business centers.

“(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of—

“(i) officials of the Administration working in areas served by Native American business centers;

“(ii) representatives of Indian tribes;

“(iii) tribal colleges; and

“(iv) Alaska Native corporations.

“(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

“(1) AUTHORIZATION.—

“(A) IN GENERAL.—The Administration, through the Office of Native American Affairs, shall provide financial assistance to eligible applicants to create Native American business centers in accordance with this section.

“(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to establish a Native American business center to overcome obstacles impeding the creation, development, and expansion of small business concerns, in accordance with this section, by—

“(i) reservation-based American Indians; and

“(ii) Alaska Natives.

“(2) 5-YEAR PROJECTS.—

“(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

“(i) financial education, including training and counseling in—

“(I) applying for and securing business credit and investment capital;

“(II) preparing and presenting financial statements; and

“(III) managing cash flow and other financial operations of a business concern;

“(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

“(iii) marketing education, including training and counseling in—

“(I) identifying and segmenting domestic and international market opportunities;

“(II) preparing and executing marketing plans;

“(III) developing pricing strategies;

“(IV) locating contract opportunities;

“(V) negotiating contracts; and

“(VI) utilizing varying public relations and advertising techniques.

“(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be of-

ferred to prospective and current owners of small business concerns that are owned by—

“(i) Indians or Indian tribes, and located on or near tribal lands; or

“(ii) Alaska Natives or Alaska Native corporations.

“(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

“(A) DOCUMENTATION.—

“(i) IN GENERAL.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

“(ii) EXCEPTION.—Financial assistance under this subsection to Alaska Native corporations may only be made by grant or cooperative agreement.

“(B) PAYMENTS.—

“(i) TIMING.—Payments made under this subsection may be disbursed in periodic installments, at the request of the recipient.

“(ii) ADVANCE.—The Administrator may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American small business center after notice of the award has been issued.

“(C) FEDERAL SHARE.—

“(i) IN GENERAL.—

“(I) INITIAL FINANCIAL ASSISTANCE.—Except as provided in subclause (II), an eligible applicant that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the Native American business center established by the eligible applicant in an amount equal to—

“(aa) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

“(bb) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

“(II) RENEWALS.—An eligible applicant that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of a Native American business center established by the eligible applicant in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

“(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal lands, to the extent that such contract or cooperative agreement is consistent with and does not duplicate the terms of any assistance received by the Native American business center from the Administration.

“(5) APPLICATION PROCESS.—

“(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

“(B) CRITERIA.—

“(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under this subsection in accordance with selection criteria that are—

“(I) established before the date on which eligible applicants are required to submit the applications;

“(II) stated in terms of relative importance; and

“(III) publicly available and stated in each solicitation for applications for financial assistance under this subsection made by the Administrator.

“(ii) CONSIDERATIONS.—The criteria required by this subparagraph shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

“(II) the ability of the applicant to commence a project within a minimum amount of time;

“(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

“(IV) previous assistance from the Administration to provide services in Native American communities;

“(V) the proposed location for the Native American business center, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers; and

“(VI) demonstrated experience in providing technical assistance, including financial, marketing, and management assistance.

“(6) CONDITIONS FOR PARTICIPATION.—Each eligible applicant desiring a grant under this subsection shall submit an application to the Administrator that contains—

“(A) a certification that the applicant—

“(i) is an eligible applicant;

“(ii) employs an executive director or program manager to manage the Native American business center; and

“(iii) agrees—

“(I) to a site visit by the Administrator as part of the final selection process;

“(II) to an annual programmatic and financial examination; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

“(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

“(C) information relating to proposed assistance that the grant will provide, including—

“(i) the number of individuals to be assisted; and

“(ii) the number of hours of counseling, training, and workshops to be provided;

“(D) information demonstrating the effectiveness and experience of the applicant in—

“(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of, current or prospective Native American business owners;

“(ii) providing training and services to a representative number of Native Americans;

“(iii) using resource partners of the Administration and other entities, including universities, Indian tribes, or tribal colleges; and

“(iv) the prudent management of finances and staffing;

“(E) the location where the applicant will provide training and services to Native Americans;

“(F) a 5-year plan that describes—

“(i) the number of Native Americans and Native American small business concerns to be served by the grant;

“(ii) if the Native American business center is located in the continental United States, the number of Native Americans to be served by the grant; and

“(iii) the training and services to be provided to a representative number of Native Americans; and

“(G) if the applicant is a joint project—

“(i) a certification that each participant in the joint project is an eligible applicant;

“(ii) information demonstrating a record of commitment to providing assistance to Native Americans; and

“(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant.

“(7) REVIEW OF APPLICATIONS.—The Administrator shall approve or disapprove each completed application submitted under this subsection not later than 60 days after the date on which the eligible applicant submits the application.

“(8) PROGRAM EXAMINATION.—

“(A) IN GENERAL.—Each Native American business center established under this subsection shall annually provide to the Administrator an itemized cost breakdown of actual expenditures made during the preceding year.

“(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

“(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

“(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

“(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

“(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

“(ii) may withhold such renewal, if the Administrator determines that—

“(I) the center has failed to provide the information required to be provided under subparagraph (A), or the information provided by the center is inadequate; and

“(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administrator under subparagraph (E);

“(III) the center has failed to comply with a requirement for participation in the Native American small business development program, as determined by the Administrator, including—

“(aa) failure to acquire or properly document a non-Federal share;

“(bb) failure to establish an appropriate partnership or program for marketing and outreach to reach new Native American small business concerns;

“(cc) failure to achieve results described in a financial assistance agreement; and

“(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

“(IV) the center has failed to carry out the 5-year plan under paragraph (6)(F); or

“(V) the center cannot make the certification described in paragraph (6)(A).

“(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

“(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, the Administrator may not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefor and affords the center an opportunity for a

hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

“(E) MANAGEMENT REPORT.—

“(i) IN GENERAL.—The Administration shall prepare and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

“(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

“(I) the number of individuals receiving assistance from the Native American business center;

“(II) the number of startup business concerns created with the assistance of the Native American business center;

“(III) the number of existing businesses in the area served by the Native American business center seeking to expand employment;

“(IV) the number of jobs created or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this Act;

“(V) to the maximum extent practicable, the amount of the capital investment and loan financing used by emerging and expanding businesses that were assisted by a Native American business center; and

“(VI) the most recent examination, as required under subparagraph (B), and the determination made by the Administration under that subparagraph.

“(9) ANNUAL REPORT.—Each Native American business center receiving financial assistance under this subsection shall submit to the Administrator an annual report on the services provided with the financial assistance, including—

“(A) the number of individuals assisted, categorized by ethnicity;

“(B) the number of hours spent providing counseling and training for those individuals;

“(C) the number of startup small business concerns created or maintained with the assistance of the Native American business center;

“(D) the gross receipts of small business concerns assisted by the Native American business center;

“(E) the number of jobs created or maintained by small business concerns assisted by the Native American business center; and

“(F) the number of jobs for Native Americans created or maintained at small business concerns assisted by the Native American business center.

“(10) RECORD RETENTION.—

“(A) APPLICATIONS.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.

“(B) ANNUAL REPORTS.—The Administrator shall maintain copies of the certification submitted under paragraph (6)(A) indefinitely.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for each of fiscal years 2010 through 2012, to carry out the Native American Small Business Development program.”.

#### SEC. 303. STUDY AND REPORT ON NATIVE AMERICAN BUSINESS CENTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing

Native American business centers to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report regarding the results of the study conducted under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties Native American business centers face because of the type of area in which such centers are located;

(2) expand the presence of, and increase the services provided by, Native American business centers; and

(3) best use technology and other resources to better serve Native American business owners.

(c) DEFINITION OF NATIVE AMERICAN BUSINESS CENTER.—In this section, the term “Native American business center” has the meaning given that term in section 44(a) of the Small Business Act, as added by this Act.

#### SEC. 304. OFFICE OF NATIVE AMERICAN AFFAIRS PILOT PROGRAM.

(a) DEFINITION.—In this section, the term “Indian tribe” means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

(b) AUTHORIZATION.—The Office of Native American Affairs of the Administration may conduct a pilot program—

(1) to develop and publish a self-assessment tool for Indian tribes that will allow such tribes to evaluate and implement best practices for economic development; and

(2) to provide assistance to Indian tribes, through an interagency working group, in identifying and implementing economic development opportunities available from the Federal Government and private enterprise, including—

(A) the Administration;

(B) the Department of Energy;

(C) the Environmental Protection Agency;

(D) the Department of Commerce;

(E) the Federal Communications Commission;

(F) the Department of Justice;

(G) the Department of Labor;

(H) the Office of National Drug Control Policy; and

(I) the Department of Agriculture.

(c) TERMINATION OF PROGRAM.—The authority to conduct a pilot program under this section shall terminate on September 30, 2012.

(d) REPORT.—Not later than September 30, 2012, the Office of Native American Affairs 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 regarding the effectiveness of the self-assessment tool developed under subsection (b)(1).

#### TITLE IV—VETERANS' BUSINESS CENTER PROGRAM

##### SEC. 401. VETERANS' BUSINESS CENTER PROGRAM; OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by

striking subsection (f) and inserting the following:

“(f) ONLINE COORDINATION.—

“(1) DEFINITION.—In this subsection, the term ‘veterans’ assistance provider’ means—  
“(A) a veterans’ business center established under subsection (g);

“(B) an employee of the Administration assigned to the Office of Veterans Business Development; and

“(C) a veterans business ownership representative designated under subsection (g)(13)(B).

“(2) ESTABLISHMENT.—The Associate Administrator shall establish an online mechanism to—

“(A) provide information that assists veterans’ assistance providers in carrying out the activities of the veterans’ assistance providers; and

“(B) coordinate and leverage the work of the veterans’ assistance providers, including by allowing a veterans’ assistance provider to—

“(i) distribute best practices and other materials;

“(ii) communicate with other veterans’ assistance providers regarding the activities of the veterans’ assistance provider on behalf of veterans; and

“(iii) pose questions to and request input from other veterans’ assistance providers.

“(g) VETERANS’ BUSINESS CENTER PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘active duty’ has the meaning given that term in section 101 of title 10, United States Code;

“(B) the term ‘private nonprofit organization’ means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

“(C) the term ‘Reservist’ means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

“(D) the term ‘Service Corps of Retired Executives’ means the Service Corps of Retired Executives authorized under section 8(b)(1);

“(E) the term ‘small business concern owned and controlled by veterans’—

“(i) has the same meaning as in section 3(q); and

“(ii) includes a small business concern—

“(I) not less than 51 percent of which is owned by one or more spouses of veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more spouses of veterans; and

“(II) the management and daily business operations of which are controlled by one or more spouses of veterans;

“(F) the term ‘spouse’, relating to a veteran, service-disabled veteran, or Reservist, includes an individual who is the spouse of a veteran, service-disabled veteran, or Reservist on the date on which the veteran, service-disabled veteran, or Reservist died;

“(G) the term ‘veterans’ business center program’ means the program established under paragraph (2)(A); and

“(H) the term ‘women’s business center’ means a women’s business center described in section 29.

“(2) PROGRAM ESTABLISHED.—

“(A) IN GENERAL.—The Administrator, acting through the Associate Administrator, shall establish a veterans’ business center program, under which the Associate Administrator may provide financial assistance to a private nonprofit organization to conduct a 5-year project for the benefit of small business concerns owned and controlled by veterans, which may be renewed for one or more additional 5-year periods.

“(B) FORM OF FINANCIAL ASSISTANCE.—Financial assistance under this subsection may be in the form of a grant, a contract, or a cooperative agreement.

“(3) VETERANS’ BUSINESS CENTERS.—Each private nonprofit organization that receives financial assistance under this subsection shall establish or operate a veterans’ business center (which may include establishing or operating satellite offices in the region described in paragraph (5) served by that private nonprofit organization) that provides to veterans (including service-disabled veterans), Reservists, and the spouses of veterans (including service-disabled veterans) and Reservists—

“(A) financial advice, including training and counseling on applying for and securing business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a small business concern;

“(B) management advice, including training and counseling on the planning, organization, staffing, direction, and control of each major activity and function of a small business concern;

“(C) marketing advice, including training and counseling on identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and using public relations and advertising techniques; and

“(D) advice, including training and counseling, for Reservists and the spouses of Reservists.

“(4) APPLICATION.—

“(A) IN GENERAL.—A private nonprofit organization desiring to receive financial assistance under this subsection shall submit an application to the Associate Administrator at such time and in such manner as the Associate Administrator may require.

“(B) 5-YEAR PLAN.—Each application described in subparagraph (A) shall include a 5-year plan on proposed fundraising and training activities relating to the veterans’ business center.

“(C) DETERMINATION AND NOTIFICATION.—Not later than 60 days after the date on which a private nonprofit organization submits an application under subparagraph (A), the Associate Administrator shall approve or deny the application and notify the applicant of the determination.

“(D) AVAILABILITY OF APPLICATION.—The Associate Administrator shall make every effort to make the application under subparagraph (A) available online.

“(5) ELIGIBILITY.—The Associate Administrator may select to receive financial assistance under this subsection—

“(A) a Veterans Business Outreach Center established by the Administrator under section 8(b)(17) on or before the day before the date of enactment of this subsection;

“(B) a private nonprofit organization that—

“(i) received financial assistance in fiscal year 2006 from the National Veterans Business Development Corporation established under section 33; and

“(ii) is in operation on the date of enactment of this subsection; or

“(C) other private nonprofit organizations located in various regions of the United States, as the Associate Administrator determines is appropriate.

“(6) SELECTION CRITERIA.—

“(A) IN GENERAL.—The Associate Administrator shall establish selection criteria, stated in terms of relative importance, to evaluate and rank applicants under paragraph (5)(C) for financial assistance under this subsection.

“(B) CRITERIA.—The selection criteria established under this paragraph shall include—

“(i) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of veterans, and the spouses of veterans, who own or may own small business concerns;

“(ii) for an applicant for initial financial assistance under this subsection—

“(I) the ability of the applicant to begin operating a veterans’ business center within a minimum amount of time; and

“(II) the geographic region to be served by the veterans business center;

“(iii) the demonstrated ability of the applicant to—

“(I) provide managerial counseling and technical assistance to entrepreneurs; and

“(II) coordinate services provided by veterans services organizations and other public or private entities; and

“(iv) for any applicant for a renewal of financial assistance under this subsection, the results of the most recent examination under paragraph (10) of the veterans’ business center operated by the applicant.

“(C) CRITERIA PUBLICLY AVAILABLE.—The Associate Administrator shall—

“(i) make publicly available the selection criteria established under this paragraph; and

“(ii) include the criteria in each solicitation for applications for financial assistance under this subsection.

“(7) AMOUNT OF ASSISTANCE.—The amount of financial assistance provided under this subsection to a private nonprofit organization for each fiscal year shall be—

“(A) not less than \$150,000; and

“(B) not more than \$200,000.

“(8) FEDERAL SHARE.—

“(A) IN GENERAL.—

“(i) INITIAL FINANCIAL ASSISTANCE.—Except as provided in clause (ii), a private nonprofit organization that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans business center established by the private nonprofit organization in an amount equal to—

“(I) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

“(II) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

“(ii) RENEWALS.—A private nonprofit organization that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans business center established by the private nonprofit organization in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

“(B) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share for a project carried out using financial assistance under this subsection may be in the form of in-kind contributions.

“(C) TIMING OF DISBURSEMENT.—The Associate Administrator may disburse not more than 25 percent of the financial assistance awarded to a private nonprofit organization before the private nonprofit organization obtains the non-Federal share required under this paragraph with respect to that award.

“(D) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

“(i) IN GENERAL.—If a private nonprofit organization that receives financial assistance under this subsection fails to obtain the non-Federal share required under this paragraph during any fiscal year, the private nonprofit organization may not receive a disbursement

under this subsection in a subsequent fiscal year or a disbursement for any other project funded by the Administration, unless the Administrator makes a written determination that the private nonprofit organization will be able to obtain a non-Federal contribution.

“(ii) RESTORATION.—A private nonprofit organization prohibited from receiving a disbursement under clause (i) in a fiscal year may receive financial assistance in a subsequent fiscal year if the organization obtains the non-Federal share required under this paragraph for the subsequent fiscal year.

“(9) CONTRACT AUTHORITY.—A veterans’ business center may enter into a contract with a Federal department or agency to provide specific assistance to veterans, service-disabled veterans, Reservists, or the spouses of veterans, service-disabled veterans, or Reservists. Performance of such contract shall not hinder the veterans’ business center in carrying out the terms of the grant received by the veterans’ business centers from the Administrator.

“(10) EXAMINATION AND DETERMINATION OF VIABILITY.—

“(A) EXAMINATION.—

“(i) IN GENERAL.—The Associate Administrator shall conduct an annual examination of the programs and finances of each veterans’ business center established or operated using financial assistance under this subsection.

“(ii) FACTORS.—In conducting the examination under clause (i), the Associate Administrator shall consider whether the veterans business center has failed—

“(I) to provide the information required to be provided under subparagraph (B), or the information provided by the center is inadequate;

“(II) the center has failed to comply with a requirement for participation in the veterans’ business center program, as determined by the Assistant Administrator, including—

“(aa) failure to acquire or properly document a non-Federal share;

“(bb) failure to establish an appropriate partnership or program for marketing and outreach to small business concerns;

“(cc) failure to achieve results described in a financial assistance agreement; and

“(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

“(III) to carry out the 5-year plan under in paragraph (4)(B); or

“(IV) to meet the eligibility requirements under paragraph (5).

“(B) INFORMATION PROVIDED.—In the course of an examination under subparagraph (A), the veterans’ business center shall provide to the Associate Administrator—

“(i) an itemized cost breakdown of actual expenditures for costs incurred during the most recent full fiscal year;

“(ii) documentation of the amount of non-Federal contributions obtained and expended by the veterans’ business center during the most recent full fiscal year; and

“(iii) with respect to any in-kind contribution under paragraph (8)(B), verification of the existence and valuation of such contributions.

“(C) DETERMINATION OF VIABILITY.—The Associate Administrator shall analyze the results of each examination under this paragraph and, based on that analysis, make a determination regarding the viability of the programs and finances of each veterans’ business center.

“(D) DISCONTINUATION OF FUNDING.—

“(i) IN GENERAL.—The Associate Administrator may discontinue an award of financial assistance to a private nonprofit organization at any time if the Associate Adminis-

trator determines under subparagraph (C) that the veterans’ business center operated by that organization is not viable.

“(ii) RESTORATION.—The Associate Administrator may continue to provide financial assistance to a private nonprofit organization in a subsequent fiscal year if the Associate Administrator determines under subparagraph (C) that the veterans’ business center is viable.

“(11) PRIVACY REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a veterans’ business center established or operated using financial assistance provided under this subsection may not disclose the name, address, or telephone number of any individual or small business concern that receives advice from the veterans’ business center without the consent of the individual or small business concern.

“(B) EXCEPTION.—A veterans’ business center may disclose information described in subparagraph (A)—

“(i) if the Administrator or Associate Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

“(ii) to the extent that the Administrator or Associate Administrator determines that such a disclosure is necessary to conduct a financial audit of a veterans’ business center.

“(C) ADMINISTRATION USE OF INFORMATION.—This paragraph does not—

“(i) restrict access by the Administrator to program activity data; or

“(ii) prevent the Administrator from using information not described in subparagraph (A) to conduct surveys of individuals or small business concerns that receive advice from a veterans’ business center.

“(D) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures under subparagraph (B)(ii).

“(12) REPORT.—

“(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the veterans’ business center program in each region during the most recent full fiscal year.

“(B) CONTENTS.—Each report under this paragraph shall include, at a minimum, for each veterans’ business center established or operated using financial assistance provided under this subsection—

“(i) the number of individuals receiving assistance from the veterans’ business center, including the number of such individuals who are—

“(I) veterans or spouses of veterans;

“(II) service-disabled veterans or spouses of service-disabled veterans; or

“(III) Reservists or spouses of Reservists;

“(ii) the number of startup small business concerns formed by individuals receiving assistance from the veterans’ business center, including—

“(I) veterans or spouses of veterans;

“(II) service-disabled veterans or spouses of service-disabled veterans; or

“(III) Reservists or spouses of Reservists;

“(iii) the gross receipts of small business concerns that receive advice from the veterans’ business center;

“(iv) the employment increases or decreases of small business concerns that receive advice from the veterans’ business center;

“(v) to the maximum extent practicable, the increases or decreases in profits of small business concerns that receive advice from the veterans’ business center; and

“(vi) the results of the examination of the veterans’ business center under paragraph (10).

“(13) COORDINATION OF EFFORTS AND CONSULTATION.—

“(A) COORDINATION AND CONSULTATION.—To the extent practicable, the Associate Administrator and each private nonprofit organization that receives financial assistance under this subsection shall—

“(i) coordinate outreach and other activities with other programs of the Administration and the programs of other Federal agencies;

“(ii) consult with technical representatives of the district offices of the Administration in carrying out activities using financial assistance under this subsection; and

“(iii) provide information to the veterans business ownership representatives designated under subparagraph (B) and coordinate with the veterans business ownership representatives to increase the ability of the veterans business ownership representatives to provide services throughout the area served by the veterans business ownership representatives.

“(B) VETERANS BUSINESS OWNERSHIP REPRESENTATIVES.—

“(i) DESIGNATION.—The Administrator shall designate not fewer than 1 individual in each district office of the Administration as a veterans business ownership representative, who shall communicate and coordinate activities of the district office with private nonprofit organizations that receive financial assistance under this subsection.

“(ii) INITIAL DESIGNATION.—The first individual in each district office of the Administration designated by the Administrator as a veterans business ownership representative under clause (i) shall be an individual that is employed by the Administration on the date of enactment of this subsection.

“(14) EXISTING CONTRACTS.—An award of financial assistance under this subsection shall not void any contract between a private nonprofit organization and the Administration that is in effect on the date of such award.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to carry out subsections (a) through (f), \$2,000,000 for each of fiscal years 2010 through 2012; and

“(2) to carry out subsection (g)—

“(A) \$8,000,000 for fiscal year 2010;

“(B) \$8,500,000 for fiscal year 2011; and

“(C) \$9,000,000 for fiscal year 2012.”.

(b) GAO REPORT.—

(1) DEFINITIONS.—In this subsection—

(A) the term “small business concern owned and controlled by veterans” has the meaning given that term in section 32(g) of the Small Business Act, as added by this section; and

(B) the term “veterans’ business center program” means the veterans’ business center program established under section 32(g) of the Small Business Act, as added by this section.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the end of the second fiscal year beginning after the date on which the veterans’ business center program is established, the Comptroller General of the United States shall evaluate the effectiveness of the veterans’ business center program, and submit to Congress a report on the results of that evaluation.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include

(i) an assessment of—

(I) the use of amounts made available to carry out the veterans’ business center program;



(II) the effectiveness of the services provided by each private nonprofit organization receiving financial assistance under the veterans' business center program;

(III) whether the services described in clause (ii) are duplicative of services provided by other veteran service organizations, programs of the Administration, or programs of another Federal department or agency and, if so, recommendations regarding how to alleviate the duplication of the services; and

(IV) whether there are areas of the United States in which there are not adequate entrepreneurial services for small business concerns owned and controlled by veterans and, if so, whether there is a veterans' business center established under the veterans' business center program providing services to that area; and

(i) recommendations, if any, for improving the veteran's business center program.

#### **SEC. 402. REPORTING REQUIREMENT FOR INTER-AGENCY TASK FORCE.**

Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

“(4) **REPORT.**—Not less frequently than twice each year, the Administrator shall submit to Congress a report on the appointments made to and activities of the task force.”.

#### **SEC. 403. REPEAL AND RENEWAL OF GRANTS.**

(a) **DEFINITION.**—In this section, the term “covered grant, contract, or cooperative agreement” means a grant, contract, or cooperative agreement that was—

(1) made or entered into under section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)); and

(2) in effect on or before the date described in subsection (b)(2).

(b) **REPEAL.**—

(1) **IN GENERAL.**—Section 8(b) of the Small Business Act (15 U.S.C. 637(b)) is amended—

(A) in paragraph (15), by adding “and” at the end;

(B) in paragraph (16), by striking “; and” and inserting a period; and

(C) by striking paragraph (17).

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) **TRANSITIONAL RULES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a covered grant, contract, or cooperative agreement shall remain in full force and effect under the terms, and for the duration, of the covered grant, contract, or agreement.

(2) **ADDITIONAL REQUIREMENTS.**—Any organization that was awarded or entered into a covered grant, contract, or cooperative agreement shall be subject to the requirements of section 32(g) of the Small Business Act (15 U.S.C. 657b(g)) (as added by this Act).

(d) **RENEWAL OF FINANCIAL ASSISTANCE.**—An organization that was awarded or entered into a covered grant, contract, or cooperative agreement may apply for a renewal of the grant, contract, or agreement under the terms and conditions described in section 32(g) of the Small Business Act (15 U.S.C. 657b(g)) (as added by this Act).

### **TITLE V—PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS**

#### **SEC. 501. PRIME REAUTHORIZATION.**

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating sections 37 through 44 as sections 38 through 45, respectively; and

(2) by inserting after section 36 the following:

#### **“SEC. 37. PROGRAM FOR INVESTMENT IN MICRO-ENTREPRENEURS.**

“(a) **DEFINITIONS.**—In this section:

“(1) **ASSOCIATE ADMINISTRATOR.**—The term ‘Associate Administrator’ means the Asso-

ciate Administrator for Entrepreneurial Development of the Administration.

“(2) **CAPACITY BUILDING SERVICES.**—The term ‘capacity building services’ means services provided to an organization that is, or that is in the process of becoming, a microenterprise development organization or program, for the purpose of enhancing the ability of the organization to provide training and services to disadvantaged entrepreneurs.

“(3) **COLLABORATIVE.**—The term ‘collaborative’ means 2 or more nonprofit entities that agree to act jointly as a qualified organization under this section.

“(4) **DISADVANTAGED ENTREPRENEUR.**—The term ‘disadvantaged entrepreneur’ means a microentrepreneur that—

“(A) is a low-income person;

“(B) is a very low-income person; or

“(C) lacks adequate access to capital or other resources essential for business success, or is economically disadvantaged, as determined by the Administrator.

“(5) **DISADVANTAGED NATIVE AMERICAN ENTREPRENEUR.**—The term ‘disadvantaged Native American entrepreneur’ means a disadvantaged entrepreneur who is also a member of an Indian Tribe.

“(6) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

“(7) **INTERMEDIARY.**—The term ‘intermediary’ means a private, nonprofit entity that seeks to serve microenterprise development organizations and programs, as authorized under subsection (d).

“(8) **LOW-INCOME PERSON.**—The term ‘low-income person’ means a person having an income, adjusted for family size, of not more than—

“(A) for metropolitan areas, 80 percent of the area median income; and

“(B) for nonmetropolitan areas, the greater of—

“(i) 80 percent of the area median income; or

“(ii) 80 percent of the statewide nonmetropolitan area median income.

“(9) **MICROENTREPRENEUR.**—The term ‘microentrepreneur’ means the owner or developer of a microenterprise.

“(10) **MICROENTERPRISE.**—The term ‘microenterprise’ means a sole proprietorship, partnership, or corporation that—

“(A) has not more than 4 employees; and

“(B) generally lacks access to conventional loans, equity, or other banking services.

“(11) **MICROENTERPRISE DEVELOPMENT ORGANIZATION OR PROGRAM.**—The term ‘microenterprise development organization or program’ means a nonprofit entity, or a program administered by such an entity, including community development corporations or other nonprofit development organizations and social service organizations, that provides services to disadvantaged entrepreneurs.

“(12) **TRAINING AND TECHNICAL ASSISTANCE.**—The term ‘training and technical assistance’ means services and support provided to disadvantaged entrepreneurs, such as assistance for the purpose of enhancing business planning, marketing, management, financial management skills, and assistance for the purpose of accessing financial services.

“(13) **QUALIFIED ORGANIZATION.**—The term ‘qualified organization’ means—

“(A) a nonprofit microenterprise development organization or program (or a group or collaborative thereof) that has a demonstrated record of delivering microenterprise services to disadvantaged entrepreneurs;

“(B) an intermediary;

“(C) a microenterprise development organization or program that is—

“(i) accountable to a local community; and

“(ii) working in conjunction with a State or local government or Indian tribe; or

“(D) an Indian tribe acting on its own, if the Indian tribe certifies that no private organization or program referred to in this paragraph exists within its jurisdiction.

“(14) **VERY LOW-INCOME PERSON.**—The term ‘very low-income person’ means an individual having an income, adjusted for family size, of not more than 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section).

“(b) **ESTABLISHMENT OF PROGRAM.**—The Associate Administrator shall establish a microenterprise training and technical assistance and capacity building services grant program to provide grants to qualified organizations in accordance with this section.

“(c) **USES OF ASSISTANCE.**—A qualified organization shall use a grant made under this section—

“(1) to provide training and technical assistance to disadvantaged entrepreneurs;

“(2) to provide training and technical assistance and capacity building services to microenterprise development organizations and programs and groups of such organizations and programs to assist such organizations and programs in developing microenterprise training and services;

“(3) to aid in researching and developing the best practices in the field of microenterprise and training and technical assistance programs for disadvantaged entrepreneurs;

“(4) to provide training and technical assistance to disadvantaged Native American entrepreneurs and prospective disadvantaged Native American entrepreneurs; and

“(5) for such other activities as the Associate Administrator determines are consistent with the purposes of this section.

“(d) **ALLOCATION OF GRANTS; SUBGRANTS.**—

“(1) **ALLOCATION OF GRANTS.**—

“(A) **IN GENERAL.**—The Associate Administrator shall allocate assistance from the Administration under this section to ensure that—

“(i) not less than 75 percent of amounts made available to the Administrator for grants under this section are used for activities described in subsection (c)(1); and

“(ii) not less than 15 percent of amounts made available to the Administrator for grants under this section are used for activities described in subsection (c)(2).

“(B) **LIMIT ON INDIVIDUAL ASSISTANCE.**—No single person may receive more than 10 percent of the total amounts made available for grants under this section for a single fiscal year.

“(2) **TARGETED ASSISTANCE.**—The Associate Administrator shall ensure that not less than 50 percent of the total amounts made available for grants under this section are used to benefit very low-income persons, including very low-income persons residing on Indian reservations.

“(3) **SUBGRANTS AUTHORIZED.**—

“(A) **IN GENERAL.**—A qualified organization receiving a grant under this section may provide subgrants using that grant to qualified organizations that are small or emerging microenterprises and programs, subject to such rules and regulations as the Associate Administrator determines are appropriate.

“(B) **LIMIT ON ADMINISTRATIVE EXPENSES.**—Not more than 7.5 percent of the amount received by a qualified organization under a grant under this section may be used for administrative expenses in connection with the making of subgrants under subparagraph (A).

“(4) **DIVERSITY.**—In making grants under this section, the Associate Administrator shall ensure that grant recipients include

both large and small microenterprise organizations that serve urban, rural, and Indian tribal communities and diverse populations.

“(5) PROHIBITION ON PREFERENTIAL CONSIDERATION OF CERTAIN ADMINISTRATION PROGRAM PARTICIPANTS.—In making grants under this section, the Associate Administrator shall ensure that any application made by a qualified organization that is a participant in the program established under section 7(m) does not receive preferential consideration over applications from other qualified organizations that are not participants in the program.

“(e) FEDERAL SHARE.—

“(1) IN GENERAL.—A qualified organization that receives a grant under this section shall provide non-Federal contributions to carry out the activities described in subsection (c) in an amount equal to not less than 50 percent of the amount of the grant received under this section.

“(2) SOURCES OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project using a grant under this section may be in the form of fees, grants, gifts, funds from loan sources, or in-kind resources of an applicant from public or private sources.

“(3) EXCEPTION.—

“(A) IN GENERAL.—If the Associate Administrator determines that an applicant for assistance under this section has severe constraints on available sources of non-Federal funds, the Associate Administrator may reduce or eliminate the requirement under paragraph (1).

“(B) LIMITATION.—Not more than 10 percent of the total funds made available from the Administration in any fiscal year to carry out this section may be excepted under subparagraph (A) from the requirement under paragraph (1).

“(f) APPLICATIONS FOR ASSISTANCE.—An application for a grant under this section shall be submitted in such form and in accordance with such procedures as the Associate Administrator shall establish.

“(g) RECORDKEEPING AND REPORTING.—

“(1) IN GENERAL.—Each qualified organization that receives a grant under this section shall—

“(A) submit to the Administration not less frequently than once every 18-month period, financial statements audited by an independent certified public accountant;

“(B) submit an annual report to the Administration on the activities of the qualified organization; and

“(C) keep such records as the Associate Administrator determines are necessary to disclose the manner in which amounts made available under a grant under this section are used.

“(2) ACCESS.—Upon the request of the Associate Administrator, the Associate Administrator shall have access to any record of any qualified organization that receives a grant under this section, for the purpose of determining compliance with this section.

“(3) DATA COLLECTION.—Each qualified organization that receives a grant under this section shall collect information relating to, as applicable—

“(A) the number of individuals counseled or trained by the organization;

“(B) the number of hours of counseling provided by the organization;

“(C) the number of startup small business concerns formed with the assistance of the organization;

“(D) the number of small business concerns expanded with the assistance of the organization;

“(E) the number of low-income individuals counseled or trained by the organization; and

“(F) the number of very low-income individuals counseled or trained by the organization.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Administrator \$15,000,000 for each of fiscal years 2010 through 2012 to carry out this section, which shall remain available until expended.

“(2) CERTAIN PROGRAMS.—In addition to the amount authorized under paragraph (1), there are authorized to be appropriated to the Administrator \$2,000,000 for each of fiscal years 2010 through 2012 to carry out subsection (c)(4), which shall remain available until expended.”.

#### SEC. 502. CONFORMING REPEAL AND AMENDMENTS.

(a) CONFORMING REPEAL.—Subtitle C of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (15 U.S.C. 6901 et seq.) is repealed.

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

(1) in section 38(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 44”;

(2) in section 41(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 44”;

(3) in section 42(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 44”.

#### SEC. 503. REFERENCES.

All references in Federal law, other than section 504 of this Act, to the “Program for Investment in Microentrepreneurs Act of 1999” or the “PRIME Act” shall be deemed to be references to section 37 of the Small Business Act, as added by this Act.

#### SEC. 504. RULE OF CONSTRUCTION.

Nothing in this title or the amendments made by this title shall affect any grant or assistance provided under the Program for Investment in Microentrepreneurs Act of 1999 (15 U.S.C. 6901 et seq.), before the date of enactment of this Act, and any such grant or assistance shall be subject to the Program for Investment in Microentrepreneurs Act of 1999, as in effect on the day before the date of enactment of this Act.

### TITLE VI—OTHER PROVISIONS

#### SEC. 601. INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by striking “: Provided, That” and all that follows through “on such date.” and inserting the following: “On and after December 31, 2010, the Administration may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association, recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b), or to a women’s business center operating pursuant to section 29 as a small business development center, unless the applicant was receiving financial assistance (including a contract or cooperative agreement) on December 31, 2010.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2010.

#### SEC. 602. HEALTH INSURANCE OPTIONS INFORMATION FOR SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term “grant program” means the small business health insurance information grant program established under subsection (b)(1); and

(2) the term “resource partner” means—

(A) the association of small business development centers authorized to be established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(B) the Association of Women’s Business Centers;

(C) the Service Corps of Retired Executives authorized by section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)); and

(D) 1 veterans business center (as that term is used in section 32(g) of the Small Business Act (15 U.S.C. 657b(g)), as added by this Act), as determined by the Associate Administrator for Entrepreneurial Development.

(b) SMALL BUSINESS HEALTH INSURANCE INFORMATION PROGRAM.—

(1) PROGRAM ESTABLISHED.—The Administrator, acting through the Associate Administrator for Entrepreneurial Development, shall establish a program to make grants to resource partners to provide neutral and objective information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(2) GRANT RECIPIENTS.—The Associate Administrator for Entrepreneurial Development shall make 1 grant to each of the resource partners.

(3) GRANT AMOUNTS.—The grants made under this section shall—

(A) be made from funds appropriated to the Administrator to carry out the activities of the Office of Entrepreneurial Development; and

(B) not exceed a total amount of \$5,000,000.

(4) CONTRACT.—As a condition of receiving a grant under this section, each resource partner shall agree, by contract with the Administration—

(A) to begin to use the funds in accordance with paragraph (5) not later than 1 year after the date on which the resource partner receives the grant; and

(B) to return any funds that have not been used, if the Administrator determines that the resource partner is not carrying out the grant program activities under paragraph (5)(A).

(5) USE OF FUNDS.—

(A) GRANT PROGRAM ACTIVITIES.—A resource partner shall use funds provided under the grant program to create, in consultation with the Associate Administrator for Entrepreneurial Development of the Administration—

(i) an online training program;

(ii) an online repository of health insurance information relevant to small business concerns;

(iii) a counseling curriculum that can be used in the physical location of the resource partner; and

(iv) materials containing relevant information that can be disbursed to owners of small business concerns throughout the country.

(B) CONTENT OF MATERIALS.—

(i) IN GENERAL.—In creating materials under the grant program, a resource partner shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, including materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(ii) HEALTH INSURANCE OPTIONS.—In incorporating information regarding health insurance options under clause (i), a resource partner shall provide neutral and objective information regarding health insurance options in the geographic area served by the resource partner, including traditional employer sponsored health insurance for the group insurance market, such as the health insurance options described in section 2791 of

the Public Health Services Act (42 U.S.C. 300gg–91) or section 125 of the Internal Revenue Code of 1986, and Federal and State health insurance programs.

(c) REVIEW AND REPORT.—

(1) REVIEW OF GRANT PROGRAM.—The Associate Administrator for Entrepreneurial Development shall conduct a review of the effectiveness of the grant program.

(2) REPORT.—Not later than 2 years after the date on which all grants under the grant program are disbursed, the Associate Administrator for Entrepreneurial Development shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the review under paragraph (1).

**SEC. 603. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.**

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

(1) in the first sentence, by striking “nine members” and inserting “10 members”;

(2) in the second sentence, by striking “six” and inserting “the members who are not from universities or their affiliates”;

(3) by striking the third sentence; and

(4) in the fourth sentence, by inserting “not less than” before “one-third”.

(b) INCUMBENTS.—An individual serving as a member of the Board on the date of enactment of this Act may continue to serve on the Board until the end of the term of the member under section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)), as in effect on the day before such date of enactment.

**SEC. 604. PRIVACY REQUIREMENTS FOR SCORE CHAPTERS.**

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by striking subsection (c) and inserting the following:

“(c) PRIVACY REQUIREMENTS.—

“(1) IN GENERAL.—A chapter of the SCORE program authorized by subsection (b)(1) or an agent of such a chapter may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance from that chapter or agent without the consent of such individual or small business concern, unless—

“(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

“(B) the Administrator determines such a disclosure to be necessary for the purpose of conducting a financial audit of a chapter of the SCORE program authorized by subsection (b)(1), in which case disclosure shall be limited to the information necessary for such audit.

“(2) ADMINISTRATOR USE OF INFORMATION.—This subsection shall not—

“(A) restrict the access of the Administrator to program activity data; or

“(B) prevent the Administrator from using client information to conduct client surveys.

“(3) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to establish standards—

“(i) for disclosures with respect to financial audits under paragraph (1)(B); and

“(ii) for client surveys under paragraph (2)(B), including standards for oversight of such surveys and for dissemination and use of client information.

“(B) MAXIMUM PRIVACY PROTECTION.—Regulations under this paragraph shall, to the extent practicable, provide for the maximum amount of privacy protection.

“(C) INSPECTOR GENERAL.—Until the effective date of regulations under this paragraph, any client survey and the use of such information shall be approved by the Inspector General of the Administration who shall

include such approval in the semi-annual report of the Inspector General.”.

**SEC. 605. NATIONAL SMALL BUSINESS SUMMIT.**

(a) IN GENERAL.—Not later than December 31, 2012, the President shall convene a National Small Business Summit to examine the present conditions and future of the community of small business concerns in the United States. The summit shall include owners of small business concerns, representatives of small business groups, labor, academia, the Federal Government, State governments, Indian tribes, Federal research and development agencies, and nonprofit policy groups concerned with the issues of small business concerns.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the summit convened under subsection (a), the President shall issue a report on the results of the summit. The report shall identify key challenges and make recommendations for promoting entrepreneurship and the growth of small business concerns.

**SEC. 606. SCORE PROGRAM.**

(a) IN GENERAL.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by striking “a Service Corps of Retired Executives (SCORE)” and inserting “the SCORE”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) in section 7(m)(3)(A)(i)(VIII), by striking “Service Corps of Retired Executives” and inserting “SCORE”; and

(B) in section 33(b)(2), by striking “Service Corps of Retired Executives” and inserting “SCORE”.

(2) OTHER LAW.—Section 337(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(2)) is amended by striking “Service Corps of Retired Executives (SCORE)” and inserting “SCORE”.

(c) REFERENCES.—Any reference to the Service Corps of Retired Executives established under section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)), as in effect on the day before the date of enactment of this Act, in any law, rule, regulation, certificate, directive, instruction, or other official paper shall be considered to refer to the SCORE established under section 8(b)(1)(B) of the Small Business Act, as amended by this Act.

**SEC. 607. ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.**

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking “(3) At the discretion” and inserting the following:

“(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.—

“(A) IN GENERAL.—At the discretion”; and

(2) by adding at the end the following:

“(B) DISASTER RECOVERY ASSISTANCE.—

“(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide assistance, as described in subsection (c), to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in an area for which the President has declared a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), during the period of the declaration.

“(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

“(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.”.

**SEC. 608. SMALL BUSINESS DEVELOPMENT CENTERS.**

(a) PORTABILITY GRANTS.—Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence—

(A) by striking “From the funds appropriated pursuant to clause (vii)” and inserting “Of the amounts made available to carry out this subparagraph in each fiscal year”; and

(B) by striking “as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability” and inserting “due to events that have resulted or will result in, the downsizing or closing of a business or government facility”; and

(2) by adding at the end “The Administrator may make a grant under this clause that exceeds \$100,000 to accommodate extraordinary events that the Administrator determines have had a catastrophic impact on small business concerns in a community.”.

(b) PURPOSES.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended in the first sentence by adding “regulatory compliance and” after “counseling concerning”.

**SEC. 609. EVALUATION OF PILOT PROGRAMS.**

(a) IN GENERAL.—Not later than 30 months after the date of disbursement of the first grant under a covered pilot program, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report evaluating the covered pilot program, including recommendations, if any, on possible improvements or modifications to the covered pilot program, including the feasibility of extending the covered pilot program to all small business development centers.

(b) DEFINITION OF COVERED PILOT PROGRAM.—In this section, the term “covered pilot program” means a pilot program relating to small business development centers established under this Act or an amendment made by this Act.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Senator LANDRIEU to introduce the Entrepreneurial Development Act of 2009, a bill that would reauthorize and improve the U.S. Small Business Administration's, SBA, Entrepreneurial Development programs. I have long fought to expand the power and reach of the SBA's entrepreneurial development tools, which are used by millions of current and aspiring entrepreneurs and small businesses across the U.S. These programs demonstrate how Congress can play a positive role in enhancing private-sector financing for start-up companies. We must continue to strengthen these core SBA programs because they have proven invaluable in aiding the efforts and dreams of America's entrepreneurs, and in bolstering small business job creation.

The bill that I am cosponsoring today is the product of the type of bipartisan, consensus work product for which the Senate Small Business Committee has come to be known. The provisions contained in this legislation are a compilation of ideas and initiatives put forward by myself, Senator LANDRIEU, and other Committee members. Much of the language in the Entrepreneurial Development Act of 2009 was contained in S. 2920, the SBA Reauthorization and Improvements Act in the 110th Congress, the individual provisions of which were each passed unanimously by the Senate Small Business Committee during the 110th Congress. Unfortunately, that bipartisan bill never passed the Senate.

This act, among other things, builds upon the aforementioned successes of SBA's Entrepreneurial Development programs, which collectively created or retained 200,000 jobs in 2008 alone.

Since their inception, Small Business Development Centers, SBDCs, have been essential in the delivery of management and technical counseling assistance and educational programs to prospective and existing small business owners. The SBDC program has served over 11 million clients with new business starts, sustainability programs for struggling firms, and expansion plans for growth firms. For every dollar spent on the SBDC program, approximately \$2.87 in tax revenue is generated.

According to a recent report conducted at Mississippi State University, as a direct result of its counseling programs, SBDC clients generated approximately \$7 billion in sales and created over 73,000 new jobs in 2006. Therefore, it is imperative that in such troubling economic times we ensure that this program has the resources necessary to successfully aid small businesses. Through this legislation, which increases the SBDC program's authorization to \$160 million by fiscal year 2012, this program will be in a better position to continue helping entrepreneurs succeed.

The Women's Business Center, WBC, program, established by Congress in 1988, promotes the growth of women-owned businesses through business training and technical assistance, and provides access to credit and capital, federal contracts, and international trade opportunities. The WBC program served more than 159,000 clients across the country last year, providing help with financial management, procurement training, marketing and technical assistance. WBCs also provide specialized programs that include mentoring in various languages, Internet training, issues facing displaced workers and rural home-based entrepreneurs.

Our legislation builds on our commitment to providing assistance to women entrepreneurs. It directs the SBA's Office of Women's Business Ownership to develop programs to bolster the growth of women-owned small businesses by

providing support for business operations, manufacturing, technology, finance, Federal Government contracting, and international trade.

The bill also makes substantial improvements to the Women's Business Center program, which created nearly 9,000 jobs in the last fiscal year, including an expansion of the types of entities that are eligible to host WBCs to economic development organizations, state-chartered development organizations, and public or private colleges and universities. Finally, the bill directs the SBA to provide a minimum of \$150,000 in funding annually to all new WBCs that are in their first 5 years of operation, allowing new centers to become fully established before they have to compete for federal funding.

The bill also reauthorizes SCORE, a non-profit association that matches business-management counselors with small business clients. SCORE volunteer counselors share their management and technical expertise with both existing and prospective small business owners. With its 10,500 member volunteer association, sponsored by the SBA, and more than 389 service delivery points and a website, SCORE provides counseling to small businesses nationwide. The national SCORE organization delivers its services of business and technical assistance through a national network of chapters, an Internet counseling site, partnerships with SBA, the SBDCs and WBCs, and with the public and private sectors. In 2008, SCORE created or retained 25,000 jobs, and this act will help improve this program by raising the authorization level to \$13 million in fiscal year 2012.

In addition to reauthorizing SBA's ED programs and increasing their funding levels, this bill also addresses the crisis small businesses face when it comes to securing quality, affordable health insurance. Health insurance costs have increased by 89 percent since 2000. This has led to a disturbing trend of fewer and fewer small businesses being able to offer health insurance to their employees.

A key provision in this bill would establish a grant program to provide information, counseling, and educational materials to small businesses, through the well-established national framework of the SBA's technical assistance partners including SBDCs, WBC, Veteran's Business Centers, and SCORE.

Research conducted by the non-partisan Healthcare Leadership Council found that with a short educational and counseling session, small businesses were up to 33 percent more likely to offer health insurance to their employees. It is therefore vital that we provide the SBA's resource partners with the resources necessary to give small businesses the critical health care education they need to navigate the complex insurance market.

The SBA's entrepreneurial development programs provide tremendous value for a relatively small investment. I am committed to ensuring that

Americans have the necessary resources to start, grow and develop a business. I believe that it is our duty to do everything possible to sustain prosperity and job creation throughout the U.S. I urge my colleagues to support this vital piece of legislation.

By Mr. DODD:

S. 1231. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce The Standards to Provide Educational Achievement for Kids, SPEAK, Act, a bill designed to provide incentives to states to begin holding every child in America to the same high standards. At its core, SPEAK will adopt and implement voluntary core American education content standards in math and science while incentivizing states to adopt them.

America's leadership, economic, and national security rest on our commitment to educate and prepare our youth to succeed in a global economy. The key to succeeding in this endeavor is to have high expectations for all American students as they progress through our Nation's schools.

Currently there are 50 different sets of academic standards, 50 State assessments, and 50 definitions of proficiency under the No Child Left Behind Act. As a result of varied standards, exams and proficiency levels, America's highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills and preparedness. Yet, in order for the U.S. to compete in a global economy, we must strengthen our educational expectations for all American children—we must compete as one Nation.

Recent international comparisons show that American students have significant shortcomings in math and science. Many lack the basic skills required for college or the workplace. This affects our economic and national security; it holds us back in the global marketplace and risks ceding our competitive edge. This is unacceptable.

America was founded on the notion of ensuring equity and opportunity for all. And yet, we risk both when we allow different students in different states to graduate from high school with very different educations. We live in a nation with an unacceptably high high school dropout rate. We live in a nation where 8th graders in some states score more than 30 points higher on tests of basic science knowledge than students in other states. I ask my colleagues today what equality of opportunity we have under such circumstances.

This is where American standards come in. Voluntary, core American standards in math and science are an important step in ensuring that all American students are given the same opportunity to learn to a high standard no matter where they reside. They will allow for meaningful comparisons of student academic achievement across states, help ensure that American students are academically qualified to enter college or training for the civilian or military workforce, and help ensure that students are better prepared to compete in the global marketplace. Uniform standards are a first step in maintaining America's competitive and national security edge.

While I understand that education is, after all, a state endeavor, we cannot ignore that at the end of the day America competes as one country on the global marketplace. This does not mean that I am asking states to cede their authority in education. What the bill simply proposes is that we use the convening power of the Federal Government to incentivize efforts to create a core set of common standards.

I would like to take a moment to recognize the recent remarkable achievement of the National Governors Association and the Council of Chief State School Officers in partnership with Achieve, Inc, ACT, and the College Board. Just last week they announced that 49 States and territories have joined the Common Core State Standards Initiative and have committed to a process to develop common standards in English language arts and mathematics. They have made a commitment to evidence-based and internationally benchmarked standards, which are scheduled to be developed later this year. This effort is outstanding. Just 2 years ago, when I introduced one of the first bills in the Senate on standards, this type of effort would have been unthinkable. Now, there is strong momentum behind providing all students across the country with competitive and consistent standards.

The SPEAK Act, provides flexibility in the creation or adoption of American standards, understanding that there are effective efforts underway that could be integrated into the program of Federal incentives that this bill would provide.

The SPEAK Act will task the National Assessment Governing Board with creating or adopting rigorous and voluntary core American education content standards in math and science for grades K–12. It will require that the standards be anchored in the National Assessment of Educational Progress' math and science frameworks. It will also ensure that such standards are internationally competitive and comparable to the best standards in the world, similar to the outline created for the standards being developed through the Common Core State Standards Initiative.

States that do participate, while required to adopt the American stand-

ards, will be given the flexibility to make them their own. They will have the option to add additional content requirements, they will have final say in how coursework is sequenced, and, ultimately, States, and districts will still be the ones developing the curriculum, choosing the textbooks and administering the tests. The standards provided for under this legislation will simply serve as a common core.

The SPEAK Act will develop rigorous achievement levels. It will ensure that varying developmental levels of students are taken into account in the development of such standards. It will provide for periodic review and update of such standards. It establishes an American Standards Incentive Fund to incentivize states to adopt the standards. Among the benefits of participating is a significant infusion of funds for states to bolster their K–12 data systems.

No one will deny that our Nation is facing difficult economic times. However, there remains a steadfast commitment to improving education for our students, a commitment that includes working to develop voluntary American standards. I applaud states that realize that despite facing difficult budget realities, holding all students to the same, high standards will be what is best for the future of our nation. These States need and deserve incentives and resources to complete this important work.

I should also note that the SPEAK Act has garnered endorsements from businesses, math/science organizations, foundations, and the education community. Through the leadership of Congressman VERNON EHLERS in the House of Representatives it shares not only bicameral, but bipartisan support. Together we have all come together to affect meaningful change in our public schools.

We live in an economy where you can no longer lift, dig or assemble your way to success. Today, you have got to think your way to success so that when public education doesn't work, when we fail to compete as one nation, our entire country gets left behind. Low expectations translate to an America that is less competitive on the world stage. If that happens, we are going to wonder why we didn't do anything about it while we still had time.

Core American standards will set high goals for all students, allow for meaningful comparisons of achievement across states, and help ensure that all of our students are qualified to enter college. At the end of the day, we all want what is best for our country and parents want what is best for their kids. With core standards, America will begin the work of regaining its competitive edge in the global economy. In the life of every student, equality will be made a little more real with reintroduction of this bill, as the skills and knowledge we expect of them are no longer made contingent on where they reside.

I hope that my colleagues will join me in supporting the SPEAK Act. As we start holding our students to the same high standards, I expect that we will be amazed at the excellence that follows.

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. 1231

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

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

(a) **SHORT TITLE.**—This Act may be cited as the “Standards to Provide Educational Achievement for Kids Act” or the “SPEAK Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Assessing science in the National Assessment of Educational Progress.

Sec. 4. Definitions.

Sec. 5. Voluntary American education content standards; American Standards Incentive Fund.

Sec. 6. Authorization of appropriations.

#### **SEC. 2. FINDINGS.**

Congress finds the following:

(1) Throughout the years, educators and policymakers have consistently embraced standards as the mechanism to ensure that every student, no matter what school the student attends, masters the skills and develops the knowledge needed to participate in a global economy.

(2) Recent international comparisons make clear that students in the United States have significant shortcomings in mathematics and science, yet a high level of scientific and mathematics literacy is essential to societal innovations and advancements.

(3) With more than 50 different sets of academic content standards, 50 State academic assessments, and 50 definitions of proficiency under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), there is great variability in the measures, standards, and benchmarks for academic achievement in mathematics and science.

(4) Variation in State standards and the accompanying measures of proficiency make it difficult for parents and teachers to meaningfully gauge how well their children are learning mathematics and science in comparison to their peers internationally or here at home.

(5) The disparity in the rigor of standards across States yield test results that tell the public little about how schools are performing and progressing, as States with low standards or low proficiency requirements may appear to be doing much better than States with more rigorous standards or higher requirements for proficiency.

(6) As a result, the United States' highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills, and preparedness.

(7) In order for the United States to compete in a global economy, the country needs to strengthen its educational expectations for all children.

(8) To compete, the people of the United States must compare themselves against international benchmarks.

(9) Grounded in a real world analysis and international comparisons of what students

need to succeed in work and college, rigorous and voluntary core American education content standards will keep the United States economically competitive and ensure that the children of the United States are given the same opportunity to learn to a high standard no matter where they reside.

(10) Rigorous and voluntary core American education content standards in mathematics and science will enable students to succeed in academic settings across States while ensuring an American edge in the global marketplace.

### SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (a), by striking “, State assessments,” and inserting “and State assessments in reading, mathematics, and science”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “science,” after “mathematics,”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(ii) in subparagraph (C), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(iii) in subparagraph (D), by striking “science,”; and

(iv) in subparagraph (E), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “reading and mathematics” each place the term occurs and inserting “reading, mathematics, and science”; and

(ii) in subparagraph (C)(ii), by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(D) in paragraph (4)(B), by striking “, require, or influence” and inserting “or require”;

(3) in subsection (d)(3), by striking “reading and mathematics” each place the term occurs and inserting “reading, mathematics, and science”; and

(4) in subsection (f)(1)(B)(v), by striking “and mathematical knowledge” and inserting “, mathematical knowledge, and science knowledge”.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended—

(1) in section 1111(c)(2) (20 U.S.C. 6311(c)(2))—

(A) by inserting “(and, for science, beginning with the 2010–2011 school year)” after “2002–2003”; and

(B) by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(2) in section 1112(b)(1)(F) (20 U.S.C. 6312(b)(1)(F)), by striking “reading and mathematics” and inserting “reading, mathematics, and science”.

### SEC. 4. DEFINITIONS.

Section 304 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9623) is amended—

(1) in the matter preceding paragraph (1), by striking “In this title:” and inserting “Except as otherwise provided, in this title:”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.”.

### SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS; AMERICAN STANDARDS INCENTIVE FUND.

The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 (as amended by section 4) and 305 as sections 306 and 307, respectively; and

(2) by inserting after section 303 the following:

#### “SEC. 304. CREATION OR ADOPTION OF VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act and from amounts appropriated under section 307(a)(3) for a fiscal year, the Assessment Board shall create or adopt voluntary American education content standards in mathematics and science covering kindergarten through grade 12.

“(b) DUTIES.—The Assessment Board shall implement subsection (a) by carrying out the following duties:

“(1) Create or adopt voluntary American education content standards for mathematics and science covering kindergarten through grade 12 that reflect a common core of what students in the United States should know and be able to do to compete in a global economy.

“(2) Anchor the voluntary American education content standards based on the mathematics and science frameworks and the achievement levels under section 303(e) of the National Assessment of Educational Progress for grades 4, 8, and 12.

“(3) Ensure that the voluntary American education content standards reflect international standards of excellence and the latest developments in the fields of mathematics and science.

“(4) Review existing standards in mathematics and science developed by professional organizations.

“(5) Review State standards in mathematics and science as of the date of enactment of the Standards to Provide Educational Achievement for Kids Act and consult and work with entities that are developing, or have already developed, such State standards.

“(6) Review the reports, views, and analyses of a broad spectrum of experts, including classroom educators, and of the public, as such reports, views, and analyses relate to mathematics and science education, including—

“(A) reviews of blue ribbon reports;

“(B) exemplary practices in the field; and

“(C) recent reports by government agencies and professional organizations.

“(7) Review scientifically rigorous studies that examine the relationship between—

“(A) the sequences of secondary school-level mathematics and science courses; and

“(B) student achievement.

“(8) Ensure that steps are taken in the development of the voluntary American education content standards to recognize the needs of students who receive special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and of students who are limited English proficient (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

“(9) Solicit input from State and local representative organizations, mathematics and science organizations (including mathematics and science teacher organizations), institutions of higher education, higher education organizations, business organizations, and other appropriate organizations.

“(10) Ensure that the voluntary American education content standards reflect what students will be required to know and be able to do after secondary school graduation to be academically qualified to enter an institution of higher education or training for the civilian or military workforce.

“(11) Widely disseminate the voluntary American education content standards for public review and comment before final adoption.

“(12) Provide for continuing review of the voluntary American education content standards not less often than once every 10 years, which review—

“(A) shall solicit input from organizations and entities, including—

“(i) 1 or more professional mathematics or science organizations, including mathematics or science educator organizations;

“(ii) the State educational agencies that have received American Standards Incentive Fund grants under section 305 during the period covered by the review; and

“(iii) other organizations and entities, as determined appropriate by the Assessment Board; and

“(B) shall address issues including—

“(i) whether the voluntary American education content standards continue to reflect international standards of excellence and the latest developments in the fields of mathematics and science; and

“(ii) whether the voluntary American education content standards continue to reflect what students are required to know and be able to do in science and mathematics after graduation from secondary school to be academically qualified to enter an institution of higher education or training for the civilian or military workforce, as of the date of the review.

### “SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.

“(a) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘elementary school’, ‘local educational agency’, ‘professional development’, ‘secondary school’, ‘State’, and ‘State educational agency’ have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) ACADEMIC CONTENT STANDARDS.—The term ‘academic content standards’ means the challenging academic content standards described in section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

“(3) LEVELS OF ACHIEVEMENT.—The term ‘levels of achievement’ means the State levels of achievement under subclauses (II) and (III) of section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii)(II), (III)).

“(4) STATE ACADEMIC ASSESSMENTS.—The term ‘State academic assessments’ means the academic assessments for a State described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

“(b) ESTABLISHMENT OF FUND.—From amounts appropriated under section 307(a)(4) for a fiscal year, the Secretary shall establish and fund the American Standards Incentive Fund to carry out the grant program under subsection (c).

“(c) INCENTIVE GRANT PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—Not later than 12 months after the Assessment Board adopts the voluntary American education content standards under section 304, the Secretary shall use amounts available from the American Standards Incentive Fund to award, on a competitive basis, grants to State educational agencies to enable each State educational agency to adopt the voluntary American education content standards in



mathematics and science as the core of the State's academic content standards in mathematics and science by carrying out the activities described in subsection (f).

“(2) DURATION AND AMOUNT.—A grant under this subsection shall be awarded—

“(A) for a period of not more than 4 years; and

“(B) in an amount that is not more than \$4,000,000 over the period of the grant.

“(3) SEA COLLABORATION PERMITTED.—A State educational agency receiving a grant under this subsection may collaborate with another State educational agency receiving a grant under this subsection in carrying out the activities described in subsection (f).

“(d) CORE STANDARDS.—A State educational agency receiving a grant under subsection (c) shall adopt and use the voluntary American education content standards in mathematics and science as the core of the State academic content standards in mathematics and science. The State educational agency may add additional standards to the voluntary American education content standards in mathematics and science.

“(e) STATE APPLICATION.—A State educational agency desiring to receive a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

“(1) timelines for carrying out each of the activities described in subsection (f)(1); and

“(2) a description of the activities that the State educational agency will undertake to implement the voluntary American education content standards in mathematics and science adopted under section 304, and the achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress, at both the State educational agency and local educational agency levels, including any additional activities described in subsection (f)(2).

“(f) USE OF FUNDS.—

“(1) MANDATORY ACTIVITIES.—A State educational agency receiving a grant under subsection (c) shall use grant funds to carry out all of the following:

“(A) Adopt the voluntary American education content standards in mathematics and science as the core of the State's academic content standards in mathematics and science not later than 2 years after the receipt of a grant under subsection (c).

“(B) Align the teacher certification or licensure, pre-service, and professional development requirements of the State to the voluntary American education content standards in mathematics and science not later than 3 years after the receipt of the grant.

“(C) Align the State academic assessments in mathematics and science (or develop new such State academic assessments that are aligned) with the voluntary American education content standards in mathematics and science not later than 4 years after the receipt of the grant.

“(D) Align the State levels of achievement in mathematics and science with the student achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress not later than 4 years after the receipt of the grant.

“(E) Develop dissemination, technical assistance, and professional development activities for the purpose of educating local educational agencies and schools on what the standards adopted by the State educational agency under this section are and

how the standards can be incorporated into classroom instruction.

“(2) PERMISSIVE ACTIVITIES.—A State educational agency receiving a grant under subsection (c) may use the grant funds to carry out, at the local educational agency or State educational agency level, any of the following activities:

“(A) Developing curricula and instructional materials in mathematics or science that are aligned with the voluntary American education content standards in mathematics and science.

“(B) Conducting other activities needed for the implementation of the voluntary American education content standards in mathematics and science.

“(3) PRIORITY.—In awarding grants under subsection (c), the Secretary shall give priority to a State educational agency that will use the grant funds to carry out subparagraph (A) of paragraph (2).

“(g) AWARD BASIS.—In determining the amount of a grant under subsection (c), the Secretary shall take into consideration—

“(1) the extent to which a State's academic content standards, State academic assessments, levels of achievement in mathematics and science, and teacher certification or licensure, pre-service, and professional development requirements, must be revised to align such State standards, assessments, levels, and teacher requirements with the voluntary American education content standards created or adopted under section 304 and the achievement levels in mathematics and science developed under section 303(e); and

“(2) the planned activities described in the application submitted under subsection (e).

“(h) ANNUAL STATE EDUCATIONAL AGENCY REPORTS.—A State educational agency receiving a grant under subsection (c) shall submit an annual report to the Secretary demonstrating the State educational agency's progress in meeting the timelines described in the application under subsection (e)(1).

“(i) GRANTS FOR DoD AND BIA SCHOOLS.—

“(1) DEPARTMENT OF DEFENSE SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, upon application by the Secretary of Defense, may award grants under subsection (c) to the Secretary of Defense on behalf of elementary schools and secondary schools operated by the Department of Defense to enable the Secretary of Defense to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated by the Department of Defense.

“(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, in consultation with the Secretary of the Interior, may award grants under subsection (c) to the Bureau of Indian Affairs on behalf of elementary schools and secondary schools operated or funded by the Department of the Interior to enable the Director of the Bureau of Indian Affairs to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated or funded by the Department of the Interior.

“(j) STUDY.—Not later than 2 years after the completion of the first 4-year grant cycle for grants under this section, the Commissioner for Education Statistics shall carry out a study comparing the gap between the reported proficiency on State academic assessments and assessments under section 303 for State educational agencies receiving grants under subsection (c), before and after the State adopts the voluntary American education content standards in mathematics and science as the core of the State edu-

cation content standards in mathematics and science. The study shall—

“(1) include an analysis of, for each State receiving a grant under subsection (c) and for the United States, the gaps in reported proficiency in mathematics and in science before and after the adoption of the voluntary American education content standards, for each grade of students subject to the assessments under section 303; and

“(2) further disaggregate the information described in paragraph (1) by the race, ethnicity, gender, disability status, migrant status, English proficiency, and economically disadvantaged status of the students, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(k) DATA GRANTS.—

“(1) PROGRAM AUTHORIZED.—

“(A) IN GENERAL.—From amounts appropriated under section 307(a)(4), the Secretary shall award, to each State educational agency that meets the requirements of paragraph (3), a grant to enhance statewide student level longitudinal data systems as those systems relate to the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(B) DATA AUDIT SYSTEM.—The State, through the implementation of such enhanced data system, shall—

“(i) ensure that the State has in place a State data audit system to assess data quality, validity, and reliability; and

“(ii) provide guidance, technical assistance, and professional development to local educational agencies to ensure local education officials and educators have the tools, knowledge, and protocol necessary to use the enhanced data system properly, ensure the integrity of the data, and be able to use the data to inform education policy and practice.

“(2) AMOUNT OF GRANT.—A grant awarded to a State educational agency under this subsection shall be in an amount equal to 5 percent of the amount allocated to the State under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332). If the amounts available from the American Standards Incentive Fund are insufficient to pay the full amounts of grants under this paragraph to all State educational agencies that receive a grant under this subsection, then the Secretary shall ratably reduce the amount of all grants under this subsection.

“(3) REQUIREMENTS.—In order to receive a grant under this subsection, a State educational agency shall—

“(A) have received a grant under subsection (c); and

“(B) successfully demonstrate to the Secretary that the State has aligned—

“(i) the State's academic content standards and State academic assessments in mathematics and science, and the State's teacher certification or licensure, pre-service, and professional development requirements, with the voluntary American education content standards in mathematics and science; and

“(ii) the State levels of achievement in mathematics and science for grades 4, 8, and 12, with the achievement levels in mathematics and science developed under section 303(e) for such grades.

“(4) NATURE OF GRANT.—A grant under this subsection to a State educational agency shall be in addition to any grant awarded to the State educational agency under subsection (c).

“(5) LIMIT ON NUMBER OF GRANTS.—In no case shall a State educational agency receive more than 1 grant under this subsection.

“(1) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act, and every 2 years thereafter, the Secretary shall report to Congress regarding the status of all grants awarded under this section.

“(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish a preferred national curriculum or preferred teaching methodology for elementary school or secondary school instruction.

“(n) TIMELINE EXTENSION.—The Secretary may extend the 12-year requirement under section 1111(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not less than 2 years and by not more than 4 years for a State served by a State educational agency that receives grants under subsections (c) and (k).”.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 307(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by section 5(1)) (20 U.S.C. 9624(a)) is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) to carry out section 302, \$8,750,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year;

“(2) to carry out section 303, \$200,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year;

“(3) to carry out section 304, \$3,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year; and

“(4) to carry out section 305, \$400,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.”.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 181—DESIGNATING JUNE 10, 2009, AS “NATIONAL PIPELINE SAFETY DAY”

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

##### S. RES. 181

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in the United States that are operated by more than 3,000 companies;

Whereas gas and hazardous liquid pipelines play a vital role in the lives of people in the United States by delivering the energy needed to heat homes, drive cars, cook food and operate businesses;

Whereas, during the last decade, significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas, on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing 2 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damage and economic disruption;

Whereas, in response to the pipeline tragedy on June 10, 1999, Congress enacted significant new pipeline safety regulations, including in the Pipeline Safety Improvement Act of 2002 (Public Law 107-355; 116 Stat. 2985) and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (Public Law 109-468; 120 Stat. 3486);

Whereas, during the last decade, the Pipelines and Hazardous Materials Safety Admin-

istration of the Department of Transportation, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives, such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas, even with pipeline safety improvements, in 2008 there were 274 significant pipeline incidents that caused more than \$395,000,000 of damage to property and disrupted the economy;

Whereas, even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents are still occurring, including the pipeline explosion in Edison, New Jersey, in 1994 that left 100 people homeless, the butane pipeline explosion in Texas in 1996 that left 2 teenagers dead, the pipeline explosion near Carlsbad, New Mexico, in 2000 that killed 12 people in an extended family, the pipeline explosion in Walnut Creek, California, in 2004 that killed 5 workers, and the propane pipeline explosion in Mississippi in 2007 that killed a teenager and her grandmother;

Whereas the millions of miles of pipelines are still “out of sight”, and therefore “out of mind” for the majority of people, local governments, and businesses in the United States, a situation that can lead to pipeline damage and a general lack of oversight of pipelines;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a “National Pipeline Safety Day” can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of the safety improvements described in this resolution and is an appropriate day to designate as “National Pipeline Safety Day”:

Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 10, 2009, as “National Pipeline Safety Day”;

(2) encourages States and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use the day to create greater public awareness of all the advancements that can lead to greater pipeline safety; and

(4) encourages individuals throughout the United States to become more aware of the pipelines that run through communities in the United States and to encourage safe practices and damage prevention relating to gas and hazardous liquid pipelines.

#### SENATE RESOLUTION 182—RECOGNIZING THE DEMOCRATIC ACCOMPLISHMENTS OF THE PEOPLE OF ALBANIA AND EXPRESSING THE HOPE THAT THE PARLIAMENTARY ELECTIONS ON JUNE 28, 2009, MAINTAIN AND IMPROVE THE TRANSPARENCY AND FAIRNESS OF DEMOCRACY IN ALBANIA

Mr. KERRY (for himself, Mr. LUGAR, Mrs. SHAHEEN, Mr. CARDIN, Mr. LIEBERMAN, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

##### S. RES. 182

Whereas the people of Albania have made extraordinary progress from authoritarian government and a closed market to a demo-

cratic government and market economy in less than two decades;

Whereas the Republic of Albania, with the advice and consent of this Senate and the governments of the other member countries, was officially admitted to full membership in the North Atlantic Treaty Organization on April 2, 2009;

Whereas the Thessaloniki Declaration of 2003 confirmed that the countries of the Western Balkans are eligible for accession to the European Union once they have fulfilled the requirements for membership; and

Whereas the Government of Albania has accepted numerous specific commitments governing the conduct of elections as a participating State in the Organization for Security and Cooperation in Europe (OSCE):

Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the Government of Albania to fulfill the commitments it has made to the OSCE with respect to the conduct of its upcoming elections, and to ensure that those elections are free and fair;

(2) urges the Government of Albania to expedite the implementation of its voter identification card program to minimize the possibility of disenfranchisement and provide as many cards as possible to eligible voters prior to the election;

(3) commends the positive step taken by the Government of Albania to reduce the cost of the voter ID card significantly and avoid charges of a poll tax; and

(4) expresses its hope that credible democratic elections in Albania will contribute to a strong and stable government responsive to the wishes of the people of Albania and strengthen Albania's standing within NATO and European institutions.

### NOTICE OF HEARING

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a the business meeting of the Committee on Energy and Natural Resources that convened on Tuesday, June 9, 2009, will resume on Thursday, June 11, 2009, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 10, 2009, at 11 a.m.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 10, 2009 at 2:30 p.m.