

President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5227. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications" (RIN0648-XT32) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5228. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2010 and 2011 Harvest Specifications for Groundfish" (RIN0648-XS43) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5229. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2010 and 2011 Harvest Specifications for Groundfish" (RIN0648-XS44) received in the Office of the President of the Senate on March 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC-5230. A communication from the Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Department of Commerce's use of category rating; to the Committee on Commerce, Science, and Transportation.

EC-5231. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drug Applications; Confirmation of Effective Date" (Docket Nos. FDA-2009-N-0436) received in the Office of the President of the Senate on March 23, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-5232. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the Government Accountability Office recommendations in "Results-Oriented Cultures: Office of Personnel Management Should Review Administrative Law Judge Program to Improve Hiring and Performance"; to the Committee on Homeland Security and Governmental Affairs.

EC-5233. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Changes to Consolidation of DEA Mailing Addresses" (RIN1117-AB19) received in the Office of the President of the Senate on March 24, 2010; to the Committee on the Judiciary.

EC-5234. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Information on Foreign Chain of Distribution for Ephedrine, Pseudoephedrine, and Phenylpropanolamine" (RIN1117-AB07) received in the Office of the President of the Senate on March 24, 2010; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2960. A bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 2974. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio (for himself and Mr. WYDEN):

S. 3189. A bill to amend title 49, United States Code, to allow for additional transportation assistance grants; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Mr. DURBIN):

S. 3190. A bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mrs. HUTCHISON:

S. 3191. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN (for himself and Mr. WICKER):

S. Res. 471. A resolution recognizing the University of Southern Mississippi for 100 years of service and excellence in higher education; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. THUNE, and Mr. ROCKEFELLER):

S. Res. 472. A resolution in recognition and support of National Safe Digging Month; considered and agreed to.

By Mrs. LINCOLN (for herself and Mr. WICKER):

S. Res. 473. A resolution designating April 4, 2010, as "National Association of Junior Auxiliaries Day"; considered and agreed to.

By Ms. STABENOW (for herself, Mr. ISAKSON, Mr. JOHANNES, and Mr. UDALL of Colorado):

S. Res. 474. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mrs. HUTCHISON, Ms. SNOWE, and Ms. MIKULSKI):

S. Res. 475. A resolution recognizing March 2010 as National Women's History Month; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 649

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 1019

At the request of Mr. HARKIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1019, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1021

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1021, a bill to amend the Internal Revenue Code of 1986 to provide an enhanced credit for research and development by companies that manufacture products in the United States.

S. 2974

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2974, a bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes.

S. 3165

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3165, a bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs.

S. 3166

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3166, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for persons with investment losses due to fraud or embezzlement.

S. 3180

At the request of Mr. LEMIEUX, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 3180, a bill to prohibit the use of funds for the termination of the Constellation Program of the National Aeronautics and Space Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. DURBIN):

S. 3190. A bill to reaffirm that the Small Business Reauthorization Act of 1997 does not limit a contracting officer's discretion regarding whether to make a contract available for award pursuant to any of the restricted competition programs authorized by the Small Business Act; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I am pleased to introduce the Small Business Parity Programs Act of 2010. As the Chair of the Committee on Small Business and Entrepreneurship, I have held a number of hearings and roundtables on the issues affecting small businesses that contract with the Federal Government. The legislation I am introducing today represents the second of several steps the Committee is taking to address some of the disparities and inequalities that prevent our small businesses from receiving their fair share of government contracts.

As the largest purchaser in the world, the Federal Government is uniquely positioned to offer new and reliable business opportunities for our Main Street businesses. Government contracts are perhaps one of the easiest and most inexpensive ways the government can help immediately increase sales for America's entrepreneurs, giving them the tools they need to keep our economy strong and create jobs. When large businesses get government contracts, they can potentially absorb that new work into their workforce. When small businesses get government work they must "staff up" to meet the increased demand. By increasing contracts to small businesses by just 1 percent, we can create more than 100,000 new jobs—and today, we need those jobs more than ever.

But small businesses face significant challenges in competing for these contracts, including a maze of complicated regulations, contract bundling, size standards with loopholes for big businesses and a lack of protections for sub-contractors. Despite the fact that federal agencies have a statutory goal to spend 23 percent of their contract dollars on contracts to small firms, and to ensure fair participation by women-owned firms, small disadvantaged firms, service-disabled veteran firms, and HUBZone businesses, the agencies often fall short of these goals.

The Small Business Parity Programs Act of 2010 is just the second of several steps that I am undertaking to ensure that all small businesses have fair access to government contracting opportunities. This particular legislation will reaffirm Congress's intent that government contracting officers have the discretion to choose among any of the small business development and contracting programs when deciding to make a contract award. This legislation makes clear that small businesses that participate in the 8(a), service-disabled veterans, women, and HUBZone programs all have a fair opportunity to win these contracts.

Two recent decisions by the Government Accountability Office misinterpreted Congress's long-standing intent with regard to the operation of the current laws governing these programs. The decisions stated that the HUBZone program had preference over all other small business contracting programs. The decisions were also relied upon in a recent opinion issued by a judge of the Court of Federal Claims, in a case called *Mission Critical Solutions v. United States*.

I was disappointed by these decisions because they misinterpret the intent of Congress in passing the Small Business Reauthorization Act of 1997. For this reason, along with the Small Business Committee's Ranking Member, Senator OLYMPIA SNOWE of Maine, I filed an amendment containing the provisions included in this bill to S. 1390, the Department of Defense Authorization Act for Fiscal Year 2010. The amendment was accepted and passed the full Senate on July 24, 2009 with overwhelming and bipartisan support. To my disappointment, it did not make it through conference Committee with the House and was left out of the final bill. The Conference Report accompanying that bill did include, however, explicit language reaffirming Congress' intent that "contracting officers of the Department of Defense and other federal agencies have the discretion whether or not to award contracts pursuant to the HUBZone program" or any of the other small business procurement programs.

As Chair of the Committee on Small Business and Entrepreneurship, I have focused a considerable amount of energy on promoting the interests of small businesses in the federal contracting arena. The legislation I am introducing will, quite simply, make clear that it has always been Congress' intent to allow contracting officers to accord parity to each restricted competition program authorized by the Small Business Act.

This legislation will have an immediate, positive impact for small businesses seeking fair access to federal contracts. It will reaffirm contracting officers' flexibility to award contracts to HUBZone businesses, which provide important benefits for hard-hit communities. At the same time, it also will reaffirm Congress's intent to ensure robust implementation of the 8(a), SDVO and Women-Owned small business development and procurement programs. Among other things, programs such as these are crucial to enable the government to address the significant discriminatory barriers that evidence submitted to us shows still limit the opportunities available for minority-owned businesses, women-owned businesses, and SDVO businesses to participate in the marketplace.

The language of our bill is intended to make clear that no single restricted competition program has priority over any other, contrary to the misinterpretation of Congress' intent by the

GAO and one decision of the Court of Federal Claims. However, nothing in the bill is intended to change the current requirement that, where a contracting officer chooses to make an award pursuant to the HUBZone program, that award must be made on the basis of restricted competition if the contracting officer has a reasonable expectation that at least two qualified HUBZone small business concerns will submit offers and that the award can be made at a fair market price.

It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal Government. I believe that this legislation is a good step toward opening those doors.

I hope my colleagues will join me in supporting this simple yet common-sense bill and I look forward to working with them as we move this legislation forward.

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. 3190

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Programs Parity Act of 2010".

SEC. 2. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking "shall" and inserting "may".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 471—RECOGNIZING THE UNIVERSITY OF SOUTHERN MISSISSIPPI FOR 100 YEARS OF SERVICE AND EXCELLENCE IN HIGHER EDUCATION

Mr. COCHRAN (for himself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 471

Whereas classes began at The University of Southern Mississippi (referred to in this preamble as "the University"), originally named Mississippi Normal College, on March 30, 1910;

Whereas throughout a century of growth, expansion, and changes of name, first to State Teachers College, in 1924, then Mississippi Southern College, in 1940, and ultimately The University of Southern Mississippi, in 1962, the institution has been dedicated to engaging and empowering the citizens of Mississippi to transform lives and communities;

Whereas the University is the only dual-campus university in Mississippi, and the innovative faculty of the University continues to cultivate intellectual development and creativity through the generation, dissemination, application, and preservation of knowledge by annually educating more than 16,000 students from over 100 countries;

Whereas the University is the home of numerous innovative and internationally recognized programs that contribute to the successful research enterprise of the University,