

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,

which generates more than \$90,000,000 annually;

Whereas the University has more than 125,000 graduates, whose talents and skills have reflected favorably on the State of Mississippi and who have served as trailblazers in the areas of politics, entertainment, law, business, professional athletics, and volunteerism, improving the lives of all they have touched;

Whereas the University is looking ahead as it enters its second century as a premier research university of the Gulf South, with programs in academics, athletics, community service, and the arts that are competitive in the State and region, and throughout the Nation and around the world; and

Whereas the significance of this centennial in the development of the University, and the State of Mississippi, cannot be over-emphasized: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes The University of Southern Mississippi for 100 years of service and excellence in higher education; and

(2) proudly shares this commemorative occasion with the administration, faculty, students, and alumni of The University of Southern Mississippi.

#### SENATE RESOLUTION 472—IN RECOGNITION AND SUPPORT OF NATIONAL SAFE DIGGING MONTH

Mr. LAUTENBERG (for himself, Mr. THUNE, and Mr. ROCKEFELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas each year the Nation's underground utility infrastructure—including pipelines and electric, gas, telecommunications, water, sewer, and cable television lines—is jeopardized by unintentional damage due to those who fail to have underground lines located prior to digging;

Whereas some lines are buried only a few inches underground, making them easy to strike even during shallow digging projects;

Whereas such digging often has unintended consequences such as service interruption, environmental damage, personal injury, and even death;

Whereas April is the beginning of the peak of excavation projects around the Nation;

Whereas in 2002 Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide toll-free number to be used by State "One-Call" systems;

Whereas in 2005 the Federal Communications Commission designated "811" as the nationwide "One Call" number for homeowners and all excavators to call before conducting excavation activities;

Whereas the "One-Call" system has helped reduce the number of digging damages caused by failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national "Call Before You Dig" campaign to increase public awareness about the importance, for homeowners and excavators, of calling 811 to find out the exact location of underground lines;

Whereas the Common Ground Alliance has designated April as National Safe Digging Month in order to increase awareness of safe digging practices across the country and to celebrate the anniversary of 811, the national "Call Before You Dig" number: Now, therefore, be it

*Resolved*, That the Senate supports the goals of National Safe Digging Month and

encourages homeowners and all excavators throughout the country to call 811 before digging.

#### SENATE RESOLUTION 473—DESIGNATING APRIL 4, 2010, AS "NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY"

Mrs. LINCOLN (for herself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 473

Whereas the National Association of Junior Auxiliaries and the members of the National Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and

(2) place a particular emphasis on providing for the needs of children; and

Whereas, since the founding of the National Association of Junior Auxiliaries in 1941, the organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 4, 2010, as "National Association of Junior Auxiliaries Day";

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

#### SENATE RESOLUTION 474—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON'S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. ISAKSON, Mr. JOHANNES, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 474

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2010, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side-effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease;

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Whereas the Federal Government, through the National Institutes of Health, the Department of Defense Neurotoxin Exposure Treatment Parkinson's Research Program, the Veterans Affairs Parkinson's Disease Research, Education and Clinical Centers, and other agencies, supports vital work to better understand Parkinson's disease and to find new treatments; and

Whereas the Parkinson's community will gather in Central Park on April 24, 2010, for the Parkinson's Unity Walk, an annual gathering inspiring people with Parkinson's, their friends, and their families: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance our knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

#### SENATE RESOLUTION 475—RECOGNIZING MARCH 2010 AS NATIONAL WOMEN'S HISTORY MONTH

Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mrs. HUTCHISON, Ms. SNOWE, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 475

Whereas the purpose of National Women's History Month is to increase awareness and knowledge of women's involvement in history;

Whereas as recently as the 1970s, women's history was rarely included in the kindergarten through grade 12 curriculum and was not part of public awareness;

Whereas in 1981, responding to the growing popularity of women's history celebrations, Congress enacted a joint resolution designating the week beginning March 7, 1982, as "Women's History Week" (Public Law 97-28; 95 Stat. 148);

Whereas during the week of March 7, 1982, thousands of schools and communities joined in the commemoration of National Women's History Week, with support and encouragement from governors, city councils, school boards, and Congress;

Whereas in 1987, the National Women's History Project petitioned Congress to expand the national celebration to include the entire month of March;

Whereas educators, workplace program planners, parents, and community organizations in thousands of communities in the