individuals involved in the September 11, 2001 terrorist attacks.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 403

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 403, a resolution expressing the sense of the Senate that Umar Farouk Abdulmutallab should be tried by a military tribunal rather than by a civilian court.

S. RES. 404

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mrs. BOXER, Ms. SNOWE, and Ms. COLLINS):

S. 2982. A bill to combat international violence against women and girls; to the Common on Foreign Relations.

Mr. CARDIN. Mr. President, I rise today to express my support for the International Violence Against Women Act, introduced today by Senators KERRY, BOXER, SNOWE, and COLLINS. I am proud to be an original cosponsor on this legislation simply because it has the power to save the lives of women and girls around the world while increasing our safety here at home.

This bill is particularly significant because it would be a very significant effort by the U.S. to tackle this egregious and widespread problem. One out of every three women worldwide will be physically, sexually or otherwise abused during her lifetime, with rates reaching 70 percent in some countries.

Ranging from rape to domestic violence and acid burnings to dowry deaths and so-called honor killings, violence against women and girls is an extreme human rights violation, a public health epidemic and a barrier to solving global challenges such as extreme poverty, HIV/AIDS and conflict. It devastates the lives of millions of women and girls—in peacetime and in conflict—and knows no national or cultural barriers.

Women who are abused are not only more likely to face serious injury or death because of abuse, but are at much greater risk of dying in pregnancy, having children who die in childhood, and contracting HIV/AIDS.

What many people don't realize though is that violence against women and girls is a major cause of poverty. Women are much more likely to be among the world's poorest, living on a $1 a day or less, and the violence they face keeps them poor. It prevents them from getting an education, going to work, and earning the income they need to lift their families out of poverty. In turn, women's poverty means they are not free to escape abuse, perpetuating a vicious cycle that keeps women from making better lives for themselves and their families.

In Nicaragua, for example, a study found that children of victims of violence left school an average of 4 years earlier than other children. In India, it has been found that women who experienced even a single incident of violence lost an average of 7 working days. Sometimes, the workplace itself can be a source of abuse: in Kenya, 95 percent of the women who had experienced sexual abuse in their workplace were afraid to report the problem for fear of losing their jobs.

Greater economic opportunity and earning capacity not only allows women an option of escaping violent situations, but more importantly, it increases equality and mutual respect within households, reducing women's vulnerability to abuse in the first place.

Women around the world are working desperately to change the laws and customs in their countries that routinely allow women and girls to be raped, beaten or deprived of any legal rights, even the ability to see a doctor or leave the house alone. But they need our help.

IVAWA is a good step in that direction.

The bill was developed in consultation with more than 150 expert organizations, including the input of 40 women's groups from all around the world.

Highlighting the cross-cutting nature of the issue of violence, the bill is supported by a diverse coalition of almost 200 NGOs, including Amnesty International USA, Women Thrive Worldwide, Jewish Women International, Family Violence Prevention Fund, CARE, United Methodist Church, and Refugees International.

This bill would direct the State Department to create a comprehensive 5-year strategy to reduce violence against women and girls in up to 20 countries and provide vital funds to foster programs in these countries that address violence in a coordinated, comprehensive way. It would do this by reforming legal and health sectors, helping to change social norms and attitudes that condone rape and abuse, and improving education and economic opportunities for women and girls.

Because violence against women is often rampant in countries embroiled in conflict or crisis, this bill also requires that the U.S. act in cases of extreme outbreaks of violence against women and girls, like the horrific levels of rape experienced by women in the Democratic Republic of Congo.

This legislation is necessary because this is not an academic issue—we must remember that the scourge of gender-based violence effects real women around the world.

But there are solutions.

When Dulce Marlen Contreras started her organization with seven of her friends, the first thing on her mind was how to help the women of Honduras protect themselves from domestic violence. A daughter of farmers in the rural region of La Paz, Honduras, Marlen was tired of watching the women of her community endure widespread alcoholism and household abuse.

In 1993, Marlen founded the Coordinadora de Mujeres Campesinas de La Paz, or COMUCAP, to raise awareness about women's rights. The organization started by educating women in the community about their rights and training them to stand up for themselves.

As time went on, Marlen noticed something was missing. While awareness-building was critical, in order to reduce violence for the long-term COMUCAP had to attack the problem at its root: poverty. ''We realized that until women are economically empowered, they will not be empowered to escape abuse for good,'' says Marlen. Seeing this link changed the way COMUCAP approached its work. It started training women to grow and sell organic coffee and aloe vera, helping them to earn an income for their families.

Initially the reaction from the community was hostile—women's empowerment was seen as a threat to families. As COMUCAP's programs grew, however, they started seeing results—the more money women made, the more power they were able to assert in the household.

As the community started to view the women of COMUCAP as economic contributors to its families, more and more women made decisions jointly with their husbands and stood up for themselves and their children in the face of abuse. Today COMUCAP provides employment and income to over 256 women in its community. Household violence has reduced drastically within the families of COMUCAP.

This example clearly illustrates that violence against women is preventable and that there are proven solutions that work. Even more inspiring, there are many thousands of local organizations like COMUCAP worldwide, which work within their own communities to support women in violent situations, help them find ways to support themselves and change cultural attitudes within their communities.

By supporting funding to overseas women's organizations to enable them

to work independently, IVAWA encourages this type of grassroots sustainability that will be crucial to any permanent solution to violence.

Violence has a profound effect on the lives of women and girls, and therefore, all communities around the world. As a member of the Senate Foreign Relations Committee, I am committed to continue to work with my colleagues to fight to end it and to provide any assistance and resources necessary to achieve this goal.

By Ms. LANDRIEU:

S. 2986. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: disaster recovery from Hurricanes Katrina and Rita of 2005 and Hurricanes Gustav and Ike of 2008. Almost 5 years after these first two devastating storms, our eyes are still fixed on our shores during hurricane season as our communities and businesses in the hardest-hit areas continue to rebuild. As chair of the Senate Committee on Small Business and Entrepreneurship, I remain focused on their ongoing recovery efforts and am here today to introduce a bill that I believe will help these struggling small businesses become successful once again and hire new workers.

Charles R. ''Ray'' Bergeron and his wife's Fleur de Lis Car Care Center in New Orleans, Louisiana, is one of the businesses that need this type of assistance. Small Business Administrator Karen Mills and I toured the Bergerons' business back in June. Pre-Katrina, Fleur de Lis, which opened in 1988, had nine employees. After Hurricane Katrina hit, Mr. and Mrs. Bergeron found themselves having to take out two loans, one for their house and another for their small business. As of our visit in June, the Bergerons were down to two employees, not including themselves, and their business was back at about 40 percent of pre-Katrina sales, due in large measure to the population not returning. Their neighborhood is mostly empty homes, which Mr. Bergeron attributes in part to high flood insurance premiums, high property taxes and high homeowner's insurance.

As of June when I met with them, the Bergerons had a $225,000 SBA disaster loan with a standard 30-year term, which Mr. Bergeron says he will not pay off until he is 101 years old. But just yesterday, Mrs. Bergeron contacted my office requesting SBA assistance with their loan repayment after work to repair the flood-damaged roads surrounding their gas station had cut access to their business for even their most loyal customers. Since the project began, Fleur de Lis' sales have been cut almost in half. This latest challenge comes on the heels of the economic downturn, which caused the station to lay off two employees earlier last year.

The Bergeron's story is one I have heard from countless businesses. Coupled with their recovery from the 2005 and 2008 hurricanes, and more recently, the economic downturn, these businesses—the ones that took the initiative to quickly reopen after the storms—are today struggling with one challenge after another. Yet these ''pioneer'' businesses are the ones rebuilding communities need the most because they serve as anchors. If residents see the Bergeron's gas station, or their favorite restaurant, open, they are more likely to come back to rebuild their homes.

To help ongoing recovery efforts in the Gulf Coast, and to give these struggling businesses immediate assistance, I am introducing today the Southeast Hurricanes Small Business Disaster Relief Act of 2010. I thank my colleague Representative CHARLIE MELANCON for introducing the House companion bill. Our legislation would provide targeted assistance to as many as 22,000 businesses in Louisiana, Mississippi, and Texas. What these particular businesses have in common is that they received SBA disaster loans following the 2005 or 2008 hurricanes. While they have made payments on these loans, I have heard from countless businesses in my State that they could expand operations if they had additional cash flow. This legislation would inject immediate capital into these hardest-hit businesses by giving SBA the authority to waive up to $15,000 of interest payments over 3 years, helping to create or save up to 81,000 jobs.

Under this program, SBA is required to give priority to applications from businesses with 50 employees or less and businesses that re-opened between September 2005 and October 2006 for the 2005 storms or September and December 2008 for the 2008 hurricanes. This ensures that SBA first helps true small businesses and those ''pioneer'' businesses that were the first to re-open after the disaster. The program would end on December 31, 2010.

This program makes a difference because for some businesses, depending on the loan term and loan amount, their total principal/interest payments could run as high as $1,000 per month. For example, for a $114,000 disaster loan with a 4 percent interest rate and a 25-year term, a business could be paying as much as $400 in monthly interest. In one year, this adds up to $4,800 and almost $14,500 in 3 years. While this is not a lot of money for Wall Street banks or Fortune 500 companies, $15,000 makes a major impact for a gas station with two employees, like Fleur de Lis, or a neighborhood restaurant with 10 employees. These businesses have seen their bottom lines shrink as others on Wall Street received extravagant bonuses. I, for one, believe it is time to help these Main Street businesses, as they are the backbone of our communities.

My legislation also follows legislation approved by a previous Congress. The prior bill came after Hurricane Betsy devastated Florida, Louisiana and Mississippi in September 1965. According to Red Cross reports at the time, between 800,000 and 1 million people were adversely impacted by the hurricane. Before this storm, the only previous disaster of that magnitude was the 1937 Ohio-Mississippi River floods, which forced more than a million people from their homes. In total, Betsy destroyed more than 1,500 homes, damaged more than 150,000, and damaged more than 2,000 trailers. Hurricane Betsy also destroyed 1,400 farm buildings and 2,600 small businesses. At the time, the Senate Committee on Public Works noted in Committee Report 89–917 that, ''The overwhelming magnitude of the vicious storm, surprising even to experienced disaster workers, was more apparent every day as storm victims continued to register for long-term recovery help in rebuilding their lives and homes.''

As part of the review to provide Hurricane Betsy victims appropriate assistance, including a field hearing in Louisiana, Congress determined that the massive scale of this disaster required targeted, disaster-specific programs. In particular, Congress approved the Southeast Hurricane Disaster Relief Act of 1965, Public Law 89–339. This bill authorized various business, homeowner, and agricultural disaster assistance, including loans and temporary rental assistance. In its committee report on the legislation, which is referenced above, the Senate Committee on Public Works wrote, ''This bill contains what the committee believes is needed and necessary to give further aid to the disaster-stricken areas . . . including special measures to help these States in the reconstruction and rehabilitation of devastated areas.'' Among other provisions, Section 3 of the bill authorized SBA to waive interest—for loans above $500—due on the loan over a period of 3 years, but not to exceed $1,800 in interest. The bill was signed into law in November 1965 and Congress later approved $35 million to implement provisions in the Act.

Just as with Hurricane Betsy in 1965, in 2005, Mississippi and Louisiana again saw a catastrophic disaster hit their businesses, farms, and homes. Everyone now knows the impact Hurricanes Katrina and Rita had on the New Orleans area and the southeast part of our State. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted across the country and around the world. Katrina ended up being the deadliest natural disaster in United States history, with 1,800 people killed—1,500 in Louisiana alone. Katrina was also the costliest natural

disaster in U.S. history, with more than $81.2 billion reported in damage.

In Louisiana, we had 18,000 businesses catastrophically destroyed and 81,000 businesses economically impacted. I believe that, across the entire Gulf Coast, some estimates ran as high as 125,000 businesses impacted by Katrina and Rita. Many of these businesses, for various reasons, have not returned or re-opened. By mid-2007, Orleans Parish was still down 2,000 employers, or 23 percent of its pre-Katrina business level. Nearby St. Bernard Parish—which had up to 80 percent of its homes damaged—had the largest percentage decline of 48 percent fewer businesses open, according to Louisiana State University and the Louisiana Recovery Authority. These disasters were followed by the 2008 hurricanes that hit the same areas in Texas and Louisiana. With this in mind, on September 25, 2009, I chaired a committee field hearing in Galveston, Texas. At this hearing, we received a progress report from Federal, State and local officials on the recovery from Hurricane Ike in 2008. We also heard from individual business owners in Galveston who were still struggling a year on from the hurricane.

These Galveston business owners, the Bergeron's Fleur de Lis gas station, and many other ''pioneer'' businesses did choose to re-open and are now struggling to stay alive. As is clear from the Bergerons' story, these businesses have suffered from not one disaster, but three: Hurricane Katrina/Rita in 2005, Hurricane Gustav/Ike in 2008, and the economic downturn. My home State of Louisiana was slow to feel the brunt of the credit crunch and economic meltdown, but last year we began to see the drying up of investments and the shrinking of consumers' pocketbooks. I believe the special program implemented following Hurricane Betsy in 1965 would today greatly benefit businesses in these three states hardest hit by Katrina, Rita, Gustav and Ike. Given the urgent needs of many of these impacted businesses, I will be reaching out to my colleagues in Texas, Louisiana, and Mississippi to hopefully gain their support for quick passage of this assistance. While I recognize that these are the hardest hit states, I am also interested to hear from my other Gulf Coast colleagues on whether this program would benefit their impacted businesses as well.

In closing, I would like to note that Congress has been generous in providing essential recovery funds following the 2005 and 2008 storms. However, as we approach the fifth anniversary of the 2005 disasters, we must now ensure that impacted businesses can make it past this anniversary—preventing thousands more workers from being unemployed or additional defaults on SBA disaster loans. One important way that this Congress can ensure that these workers remain employed and that these businesses survive, and even grow, would be to relieve some of the interest on these SBA disaster loans. For this reason, I urge my Senate colleagues to support this commonsense legislation which would make a difference for up to 22,000 Main Street business owners and their estimated 81,000 employees in the Gulf Coast.

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. 2986

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 ''Southeast Hurricanes Small Business Disaster Relief Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act—

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

(2) the term ''covered disaster loan'' means a loan—

(A) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(B) for damage or injury caused by Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008; and

(C) made to a business located in a declared disaster area;

(3) the term ''declared disaster area'' means an area in the State of Louisiana, the State of Mississippi, or the State of Texas for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) relating to Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008;

(4) the term ''program'' means the Southeast Hurricanes Small Business Disaster Relief Program established under section 3; and

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

SEC. 3. SOUTHEAST HURRICANES SMALL BUSINESS DISASTER RELIEF PROGRAM.

(a) PROGRAM ESTABLISHED.—Subject to the availability of appropriations, the Administrator shall establish a Southeast Hurricanes Small Business Disaster Relief Program, under which the Administrator may waive payment of interest by a business on a covered disaster loan—

(1) for not more than 3 years; and

(2) in a total amount of not more than $15,000.

(b) PRIORITY OF APPLICATIONS.—The Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program by a small business concern—

(1) with not more than 50 employees; or

(2) that resumed business operations in—

(A) a declared disaster area relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, during the period beginning on September 1, 2005, and ending on October 1, 2006; or

(B) a declared disaster area relating to Hurricane Gustav of 2008 or Hurricane Ike of 2008, during the period beginning on September 1, 2008, and ending on January 1, 2009.

(c) TERMINATION OF PROGRAM.—The Administrator may not approve an application under the program after December 31, 2010.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this Act.

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

S. 2989. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I am pleased today to be introducing the Small Business Contracting Improvements Act of 2010, legislation designed to protect the interests of small businesses and boost their opportunities in the Federal marketplace.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I have focused a considerable amount of energy promoting the interests of small businesses in the federal contracting arena. The legislation I am introducing today marks a critical step forward in this process.

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. 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 the reality is, small businesses need all the help they can get accessing Federal contracts. In fiscal year 2007, according to the Federal Procurement Data System, the Federal Government missed its 23 percent contracting goal by .992 percent. That .992 percent represents more than $3.74 billion and 93,500 jobs lost for small businesses. The numbers are even worse the next fiscal, in fiscal year 2008 the Federal Procurement Data System reported that the government missed its goal by 1.51 percent—meaning more than $6.51 billion and 162,700 jobs lost. While these numbers tell the stark story of why this legislation is vital for our small businesses and our overall economy, they are still only a part of the story of why this legislation is needed.

Our small businesses have been taking the brunt of this economic downturn. In this past year, small businesses accounted for more than 85 percent of job losses. This fact was vividly illustrated to me this weekend when I met with Louisiana business owners and officials. A small business owner who spoke at our meeting told of how he was down from 20 plus employees to three. He was clear that if he had access to federal work he would begin staffing up tomorrow. That is the reason I am introducing this legislation today. These contracting opportunities represent job creation for small businesses in a way that is unique. When large businesses get new work they

typically spread that work among existing employees. When small businesses get these contracts they must staff up to meet the increased demand.

Furthermore, last night President Obama made the case that small businesses need to be the focus of our recovery. I have heard over and over again that small business is the engine that drives our economy. Well, if that is true, then it is time to give that engine some gas. President Obama set the right tone last night and today our bill looks to act on his words and fill that tank as we consider improvements in four key areas.

The first area I attempt to make improvements in is the area of contract bundling. Although contract bundling may have started out as a good idea, it has now become the prime example of the old saying that too much of a good thing can be very, very bad. The proliferation of bundled contracts coupled with the decimation of contracting professionals within the government threatens to kill small businesses' ability to compete for federal contracts.

Our bill looks to address those issues by ensuring: accountability of senior agency management for all incidents of bundling; timely and accurate reporting of contract bundling information by all federal agencies; and improved oversight of bundling regulation compliance by the Small Business Administration, SBA.

The bill also ensures that contract consolidation decisions made by a department or agency, other than the Defense Department and its agencies, provide small businesses with appropriate opportunities to participate as prime contractors and subcontractors.

Another way that this bill attempts to tackle the issue of bundling is by creating a joint venture and teaming center at the SBA. This center will provide technical support to associations and businesses who are interested in bidding on larger contracts as part of small business teams or joint ventures. The bill will also ease regulations that serve as a disincentive for small businesses who want to enter into teaming relationships with one another.

The second area that this bill attempts to address is subcontracting. The Committee has heard from many businesses about the challenges that some small business subcontractors face when dealing with prime contractors. Business owners have related that the way subcontracting compliance is calculated creates opportunity for abuse. They also related that many small businesses will spend time, money and effort preparing bid proposals to be a part of a bid team and that once the contract is won they never heard from the prime contractor again. Many also complain about a lack of timely payments after they have completed work.

This bill attempts to deal with some of these issues by including provisions designed to prevent misrepresentations in subcontracting by prime contractors. To accomplish this, the bill: provides guidelines and procedures for reviewing and evaluating subcontractor participation in prime contracts and provides for speedier payments to small business subcontractors who have successfully completed work on behalf of the prime contractor.

The third area I intend to update is the acquisition process. This bill aims to increase the number of small business contracting opportunities by including additional provisions to reduce bundled contracts by reserving more contracts for small business concerns. The bill accomplishes this by: authorizing small business set-asides in multiple-award, multi-agency contracting vehicles; directing the Office of Federal Procurement Policy to issue guidelines to analyze the use of government credit cards for the purpose of meeting small business goals; and requiring that agencies include meeting small business contracting goals in the performance evaluation of contracting and program personnel.

The last area that I tackle in this legislation is small business size and status integrity. The Committee has heard from a number of small businesses about large businesses parading as small businesses. It is imperative that small business contracts go to small businesses. Small businesses may be losing billions of dollars in opportunities because of size standard loopholes.

This bill attempts to address these issues by making additions to the Small Business Act that are designed to strengthen the government's ability to enforce the size and status standards for small business certification. To achieve this, the new section: establishes a presumption of loss to the federal government whenever a large business performs a small business contract; requires that small businesses annually certify their size status; requires the development of training programs for small business size standards; requires a detailed review of the size standards for small businesses by the SBA within one year; and directs GAO to study the effectiveness of the mentor-protege program.

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 of opportunity. I hope all of my colleagues will join me in supporting this bill and I look forward to working with them as we work to 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. 2989

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 Contracting Revitalization Act of 2010''.

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—CONTRACT BUNDLING

Sec. 101. Leadership and oversight.
Sec. 102. Consolidation of contract requirements.
Sec. 103. Small business teams pilot program.

TITLE II—SUBCONTRACTING INTEGRITY

Sec. 201. GAO recommendations on subcontracting misrepresentations.
Sec. 202. Small business subcontracting improvements.

TITLE III—ACQUISITION PROCESS

Sec. 301. Reservation of prime contract awards for small businesses.
Sec. 302. Micro-purchase guidelines.
Sec. 303. Agency accountability.
Sec. 304. Payment of subcontractors.
Sec. 305. Repeal of Small Business Competitiveness Demonstration Program.

TITLE IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 401. Policy and presumptions.
Sec. 402. Annual certification.
Sec. 403. Training for contracting and enforcement personnel.
Sec. 404. Updated size standards.
Sec. 405. Study and report on the mentor-protege program.

SEC. 3. DEFINITIONS.

In this Act—

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

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

TITLE I—CONTRACT BUNDLING

SEC. 101. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(q) BUNDLING ACCOUNTABILITY MEASURES.—

''(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any contract award above the substantial bundling threshold of the Federal agency a provision soliciting bids by teams and joint ventures of small business concerns.

''(2) AGENCY POLICIES ON REDUCTION OF CONTRACT BUNDLING.—The head of each Federal agency shall—

''(A) not later than 180 days after the date of enactment of this subsection, publish on the website of the Federal agency the policy of the Federal agency regarding contracting bundling and consolidation, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

''(B) not later than 30 days after the date on which the head of the Federal agency submits data certifications to the Administrator for Federal Procurement Policy, publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

''(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Director of Small and Disadvantaged Business Utilization for each Federal agency shall submit to the Committee on Small Business

and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

''(A) identify each area for which the Federal agency has assigned a procurement center representative or a commercial market representative;

''(B) explain why the Federal agency selected the areas identified under subparagraph (A); and

''(C) describe the activities performed by procurement center representatives and commercial market representatives.''.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking ''Administrator of the Office of Federal Procurement Policy'' each place it appears and inserting ''Administrator for Federal Procurement Policy''.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall implement an electronic procurement center representative program.

SEC. 102. CONSOLIDATION OF CONTRACT REQUIREMENTS.

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. CONSOLIDATION OF CONTRACT REQUIREMENTS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Acquisition Officer' means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

''(2) the term 'consolidation of contract requirements', with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been, are being, or will be provided to, or will be performed for or would typically be performed for, the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited;

''(3) the term 'Federal agency' does not include the Department of Defense or any agency of the Department of Defense;

''(4) the term 'multiple award contract' means—

''(A) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

''(B) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation; and

''(5) the term 'senior procurement executive' means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

''(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

''(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

''(1) IN GENERAL.—The head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than $2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

''(A) conducts market research;

''(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

''(C) determines that the consolidation of contract requirements is necessary and justified.

''(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

''(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

''(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is substantial in relation to the total cost of the procurement.

''(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

''(A) quality;

''(B) acquisition cycle;

''(C) terms and conditions; and

''(D) any other benefit.''.

SEC. 103. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Center'' means the Center for Small Business Teaming established under subsection (b); and

(2) the term ''eligible organization'' means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Center) relating to—

(A) customer relations and outreach;

(B) submitting bids and proposals;

(C) team relations and outreach; and

(D) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Center for Small Business Teaming within the Administration to carry out a pilot program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—The Center may make grants to eligible organizations to assemble teams of small business concerns to compete for larger procurement contracts.

(d) CONTRACTING OPPORTUNITIES.—

(1) IN GENERAL.—The Center shall work with eligible organizations receiving a grant under this section to identify appropriate contracting opportunities for teams or joint ventures of small business concerns.

(2) RESTRICTED COMPETITION.—A contracting officer of a Federal agency may restrict competition for any contract for the procurement of goods or services by the Federal agency to teams or joint ventures of small business concerns if determined appropriate by the contracting officer.

(e) TERMINATION.—The authorities under this section shall terminate 5 years after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants by the Center under subsection (c) $5,000,000 for each of fiscal years 2010 through 2015.

TITLE II—SUBCONTRACTING INTEGRITY

SEC. 201. GAO RECOMMENDATIONS ON SUBCONTRACTING MISREPRESENTATIONS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(o) PREVENTION OF MISREPRESENTATIONS IN SUBCONTRACTING; IMPLEMENTATION OF RECOMMENDATIONS OF COMPTROLLER GENERAL.—

''(1) STATEMENT OF POLICY.—It is the policy of Congress that the recommendations of the Comptroller General of the United States in Report No. 05–459, concerning oversight improvements necessary to ensure maximum practicable participation by small business concerns in subcontracting, shall be implemented Government-wide, to the maximum extent possible.

''(2) CONTRACTOR COMPLIANCE.—Compliance of Federal prime contractors with subcontracting plans relating to small business concerns shall be evaluated as a percentage of obligated prime contract dollars and as a percentage of subcontracts awarded.

''(3) ISSUANCE OF AGENCY POLICIES.—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency shall issue a policy on subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.''.

SEC. 202. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end, the following:

''(G) a certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal, unless the small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.''.

TITLE III—ACQUISITION PROCESS

SEC. 301. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(r) GOVERNMENT-WIDE ACQUISITION CONTRACTS.—Not later than 180 days after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator shall jointly, by regulation, establish criteria for Federal agencies for—

''(1) setting aside part or parts of a multiple award contract (as defined in section 44), Federal supply schedule contracts, and other Government-wide acquisition contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

''(2) setting aside orders placed against multiple award contracts, Federal supply schedule contracts, and other Government-wide acquisition contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

''(3) reserving 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).''.

SEC. 302. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Controller of the Office of Federal Financial Management shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as ''micro-purchases''), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 303. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking ''Goals established'' and inserting the following:

''(B) Goals established'';

(3) by striking ''Whenever'' and inserting the following:

''(C) Whenever'';

(4) by striking ''For the purpose of'' and inserting the following:

''(D) For the purpose of'';

(5) by striking ''The head of each Federal agency, in attempting to attain such participation'' and inserting the following:

''(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)''.

(6) in subparagraph (E), as so designated—

(A) by striking ''(A) contracts'' and inserting ''(i) contracts''; and

(B) by striking ''(B) contracts'' and inserting ''(ii) contracts''; and

(7) by adding at the end the following:

''(F)(i) Each procurement employee or program manager described in clause (ii)—

''(I) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals; and

''(II) shall have as a significant factor in the annual performance evaluation of the procurement employee or program manager, where appropriate, the success of that procurement employee or program manager in small business utilization, in accordance with the goals established under this subsection.

''(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.''.

SEC. 304. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(11) PAYMENT OF SUBCONTRACTORS.—

''(A) DEFINITION.—In this paragraph, the term 'covered contract' means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

''(B) NOTICE.—

''(i) IN GENERAL.—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which—

''(I) the Federal agency has paid the prime contractor; or

''(II) the prime contractor has submitted a request for payment to the Federal agency.

''(ii) CONTENTS.—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

''(iii) PUBLIC AVAILABILITY.—The head of each Federal agency shall, after redacting information identifying any subcontractor, make publicly available any notice made under clause (i).

''(C) PERFORMANCE.—A contracting officer for a covered contract shall consider the failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

''(D) CONTROL OF FUNDS.—A contracting officer for a covered contract may restrict the authority of a prime contractor that has a history of untimely payment of subcontractors (as determined by the contracting officer) to make expenditures under or control payment of subcontractors for a covered contract.''.

SEC. 305. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by striking title VII (15 U.S.C. 644 note).

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

TITLE IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 401. POLICY AND PRESUMPTIONS.

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

''(t) PRESUMPTION.—

''(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

''(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

''(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

''(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

''(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

''(3) CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

''(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

''(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of a director, officer, or counsel on the same page on which the certification is contained.

''(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.''.

SEC. 402. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(u) ANNUAL CERTIFICATION.—

''(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the ORCA database of the Administration, or any successor thereto.

''(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

''(A) no business concern continues to be certified as a small business concern on the ORCA database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

''(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.

''(3) DETERMINATION OF SIZE STATUS.—The small business size or status of a business concern shall be determined at the time of the award of a Federal—

''(A) contract, except that, in the case of interagency multiple award contracts (as defined in section 44), small business size or

status shall be determined annually, except for purposes of the award of each task or delivery order set aside or reserved for small business concerns;

''(B) subcontract;

''(C) grant;

''(D) cooperative agreement; or

''(E) cooperative research and development agreement.''.

SEC. 403. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, shall develop courses concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(v) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the head of each relevant Federal agency and the Inspector General of the Administration shall issue a Government-wide policy on prosecution of small business size and status fraud.''.

SEC. 404. UPDATED SIZE STANDARDS.

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall—

(1) conduct a detailed review of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2));

(2) make appropriate adjustments to size standards under that section to reflect market conditions; and

(3) make publically available information regarding—

(A) the factors evaluated as part of the review conducted under paragraph (1); and

(B) the criteria used for any revised size standards promulgated under paragraph (2).

SEC. 405. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protege relationship, or similar affiliation, promotes real gain to the protege, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protege businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General 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 study conducted under this section.

Ms. SNOWE. Mr. President, as ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today, along with Senator LANDRIEU, to introduce the Small Business Contracting Revitalization Act of 2010. This critical piece of legislation is the direct result of consensus-building and compromise, and continues the bipartisan tradition of the Small Business Committee. I also wish to thank Chair LANDRIEU for her partnership with me in forging this truly crucial measure as we work toward contracting parity for small business, and for her tireless leadership on all concerns confronting small businesses today.

The Small Business Contracting Revitalization Act of 2010 retains critical procurement provisions that originate in the comprehensive contracting bills I introduced or cosponsored in the 109th and 110th Congresses which were unanimously voted out of the Small Business Committee. This particular legislation will serve to minimize the use of contract bundling and consolidation of contracts by the Federal Government, and increase the ability of small businesses to fairly compete for such contracts through a host of key improvements, including allowing small businesses to join together in teams to bid on certain procurement opportunities. Additional requirements will help to ensure prompt payment from prime contractors to subcontractors, and make it easier for the Federal Government to prosecute businesses who fraudulently identify themselves as small companies.

Since the mid-1990s, with the enactment of acquisition streamlining reforms and the downsizing of the Federal procurement workforce, small businesses have faced a litany of hurdles that have deprived them of Federal contracting dollars. One such impediment is contract bundling which takes contracting opportunities out of the hands of deserving small businesses by grouping numerous small contracts and bundling them into one large award. Ill-equipped to manage the demands of these consolidated awards due to a lack of resources, small business owners again find themselves crowded out of the Federal contracting process. Consequently, the bipartisan measure we are introducing today reflects the recommendations made by the Government Accountability Office, GAO, to impose stricter reviews and more comprehensive reporting of bundled contracts, encourages small business teaming to bid on larger contracts, and promotes Federal agency publishing and use of best practices. Additional obstacles to successful small business contracting include ''bait and switch'' tactics used by prime contractors who use small firms in developing bids but do not subcontract with them once a contract has been awarded. Our bill will address this concern as well as other ongoing problems such as large businesses posing as small businesses, flawed reporting data, and agencies who fail to meet their small business contracting goals.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I am further dismayed by the myriad ways that government agencies have time and again egregiously failed to meet the vast majority of their small business statutory ''goaling'' requirements. It is unconscionable that the statutory goal for only one category of small business—small disadvantaged businesses—has been met, and that goals for the three other programs—HUBZones, women-owned small businesses, and service-disabled veterans-owned businesses—have never been achieved.

Consider that, in 2007, small businesses were eligible for $378 billion in Federal contracting awards, yet received only $83 billion. This blatant failure to utilize small businesses, thus preventing them to secure their fair share of Federal contracting dollars, has resulted in firms losing billions of dollars in contracting opportunities. But 23 percent is only a base goal—we must strive to exceed it, not just meet it.

In the last two years alone, the Small Business Committee has held numerous hearings and roundtables to identify and explain small business' contracting concerns. In addition, the GAO and the Small Business Administration's Inspector General have issued multiple reports addressing small business Federal contracting deficiencies. Our legislation builds on the contracting provisions of previous Small Business Committee contracting bills by endowing the SBA with additional tools to meet the demands of an ever-changing 21st century contracting environment.

That said, I am greatly encouraged by the latest statistics relating to Federal contracting dollars awarded to small businesses from the funds appropriated under the American Recovery and Reinvestment Act, ARRA. Preliminary reports show that, as of February 1, 2010, small businesses have received over 29 percent of the ARRA Federal contracting dollars, well-exceeding the imposed 23 percent statutory goal. This begs the question, if the Federal government can not only meet but exceed these requirements for the Recovery Act, why can't these goals be met year in and year out? The simple answer is they can. I am hopeful that this administration will make a conscious effort to reverse the government-wide failure to meet small business goals on a consistent basis.

I am confident that this legislation will result in the changes necessary to reduce fraud and waste while paving the way for the Federal government to

maximize the use of America's innovative small businesses in the contracting arena. Again, I want to recognize Senator LANDRIEU for her leadership in this matter, and for her continuing commitment to the small business community.

By Mr. CARPER (for himself, Mr. ALEXANDER, Ms. KLOBUCHAR, Ms. COLLINS, Mrs. FEINSTEIN, Mr. GREGG, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KAUFMAN, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. SNOWE):

S. 2995. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today Senator CARPER and I have joined with Senators KLOBUCHAR, COLLINS, GREGG, KAUFMAN, GRAHAM, FEINSTEIN, SHAHEEN, SCHUMER, LIEBERMAN, and SNOWE to introduce the Clean Air Act Amendments of 2010.

This bill is about clean air and the effect of sulfur dioxide, nitrogen oxides, and mercury emissions of coal-fired power plants on health, jobs, and tourism. This bill does not address carbon emissions.

To me the most important aspect of this bill is that for the very first time it puts into federal law requirements that we cut mercury emissions by 90 percent from coal plants, which produce 50 percent of our electricity today.

This bill will reduce sulfur dioxide, nitrogen oxides, and mercury emissions from power plants by directing EPA to cut mercury emissions at least 90 percent through the best available technology and strengthening national limits on emissions of sulfur dioxide and nitrogen oxides from power plants with new trading systems that will enable cost-effective reductions of these two pollutants.

For Tennesseans this is a bill about our health, it is about tourism in our State and it is about our jobs.

400,000 Tennesseans have asthma that is affected by the dirty air in our state. Sulfur dioxide and nitrogen oxides can trigger asthma attacks and cause chronic lung problems. 400,000 Tennesseans with asthma are at a daily risk due to poor air quality.

The more we learn about mercury the more we understand that it gets in our food supply, it gets in our water supply, some of it comes from our coal plants and it especially affects women and children. Nationwide, EPA estimates this bill will save more than 215,000 lives and more than $2 trillion in health care costs by 2025.

In our State, we are privileged to have the most visited national park in America, the Great Smoky Mountains National Park—we are intensely proud of it. But we want the 10 million tourists who come there every year to see the blue haze that the Cherokee Indians used to sing about, not the smog that is produced by dirty air blowing into our State and some of the dirty air that we produce.

Finally we have become an automobile State. When auto parts suppliers move to Tennessee and want to locate near the Nissan plant or near the Volkswagen plant, one of the first things they have to do is to get a clean air permit. Our State simply cannot clean up our air all by ourselves without strong national standards to require the rest of the country to stop producing dirty air that blows into our State. So for Tennesseans this is about our health, about our tourism and our mountains, and this is about our jobs.

The Environmental Protection Agency says the bill will only cost electricity consumers about 1.5 percent to 2.5 percent increases in their utility bills by 2020. This may only be about $2 a month per customer. I think $2 a month is worth it for savings of $2 trillion in health care costs.

In summary, this bill helps save hundreds of thousands of lives, saves trillions of health care dollars, enables communities to meet new EPA air quality requirements and create new jobs, and protects the scenic beauty of some of our greatest natural treasures.

Cleaner air is something we can all support and I ask my colleagues to join Senator CARPER and me in this effort.

Mr. President, I ask unanimous consent that a description of the bill be printed in the RECORD.

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

CLEAN AIR ACT AMENDMENTS OF 2010

TO REDUCE SULFUR DIOXIDE, NITROGEN OXIDES, AND MERCURY EMISSIONS FROM POWER PLANTS

Sponsors and Cosponsors: Carper, Alexander, Klobuchar, Collins, Gregg, Kaufman, Graham, Feinstein, Shaheen, Schumer, Lieberman, Snowe.

Background on the Pollutants:

1. Sulfur dioxide (SO_2) is a gas that can quickly trigger asthma attacks, but is most dangerous as one of the primary raw ingredients in particle pollution. SO_2 converts in the atmosphere into microscopic fine particles that can lodge deep in the lungs—and increase the risk of dying early, trigger heart attacks, strokes, and may cause lung cancer.

2. Nitrogen oxides (NO_X) are the key contributor to ozone smog, which causes respiratory illness and harms crops and ecosystems.

3. Mercury is a neurotoxin. High exposure to mercury can harm the brain, heart, kidneys, lungs and immune systems, especially in children and pregnant women. Also harms crops, wildlife, and streams.

What this bill does:

Codifies the Clean Air Interstate Rule (CAIR) for 2010 and 2011—setting SO_2 and NO_X standards for eastern states.

Strengthens national limits on emissions of SO_2 and NO_X from power plants and creates new trading systems that will enable cost-effective reductions of these two pollutants.

Directs EPA to cut mercury emissions at least 90% through the best available technology.

Why it is needed—

Jobs: Clean air targets promote job creation in engineering, construction, and manufacturing of advanced clean air technologies. Targets help communities meet air quality standards, so new manufacturers can get clean air permits, build new facilities, and hire new workers.

In Chattanooga, Tennessee, for example, it will allow more auto part suppliers to build facilities near the new Volkswagen plant and employ thousands of Tennesseans.

Health: Cleaner air means residents are less likely to have chronic lung disease, asthma, or lung cancer.

Nationwide, EPA estimates this bill will save more than 215,000 lives and more than $2 trillion in health care costs by 2025.

In Tennessee, 400,000 Tennesseans with asthma are at a daily risk due to poor air quality.

In Delaware, over 18,000 children with asthma are living in areas of poor air quality.

Tourism: Millions of people a year visit the Great Smoky Mountains National Park to see the ''Blue Haze'' not the smog from dirty air. Tennessee has over 85 million tourists visit the state each year, generating over $14 billion for the State of Tennessee.

Certainty: Clear targets provide certainty for pubic health protection and for power sector investment. Predictability allows companies to find the most cost-effective ways to employ clean air technologies.

How it works: Through the use of emissions control equipment, such as ''scrubbers'' on smokestacks, and other technologies, the bill would require utilities to:

Cut SO_2 emissions by 80 percent (from 7.6 million tons in 2008 to 1.5 million tons in 2018).

Cut NO_X, emissions by 53 percent (from 3 million tons in 2008 to 1.6 million tons in 2015).

Cut mercury emissions by at least 90 percent no later than 2015.

CLEAN AIR ACT AMENDMENTS OF 2010

	Clean Air Act Amendments of 2010
Sulfur Dioxide	Codifies CAIR for 2010 and 2011. National Caps Beginning in 2012—3.5 million tons emission cap. Beginning in 2015—2.0 million tons emission cap. Beginning in 2018—1.5 million tons emission cap. Builds on Acid Rain national trading program.
Nitrogen Oxide	Codifies CAIR for 2010 and 2011. National Caps Beginning in 2012—1.79 million tons emission cap. Beginning in 2015—1.62 million tons emission cap. Creates two regional trading programs—for the East and the West.
Mercury	Directs EPA to cut mercury emissions from coal plants by at least 90% by 2015 through maximum available control technology enforcement.

Carbon Dioxide	Not included in this legislation.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. VOINOVICH, and Ms. LANDRIEU):

S. 2996. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, the law granting the Federal Government, for the first time, the authority to regulate the security of the nation's highest risk chemical facilities is due to expire at the end of this fiscal year. Given the success of this law and its vital importance to all Americans, I am introducing legislation today with Senators PRYOR, VOINOVICH, and LANDRIEU to reauthorize it.

The U.S. is home to an astonishing number of facilities that manufacture, use, or store chemicals for legitimate purposes. From pharmaceuticals to cosmetics, soaps to plastics and all manner of industrial, construction, and agricultural products, chemicals enable the manufacture of more than 70,000 products that improve the well-being of the American people.

The chemical industry is enormous, diverse, and vital to the American economy. It approaches half a trillion dollars annually in sales. It is one of our largest exporters, with exports totaling $174 billion annually. It directly employs more than 850,000 people nationwide and supports millions more indirectly.

These facilities are vital parts of our economy and society. But, to our enemies, they can be potential chemical weapons. Like the airliners of September 11th, it would only take an attack on a few, or even one, to cause a horrifying loss of life.

In 2005, as Chairman of the Homeland Security and Governmental Affairs Committee, I held a series of hearings to examine the terrorist threat to the nation's chemical facilities and the devastating consequences that could arise from a successful attack. As a result of those hearings, I introduced comprehensive, bipartisan legislation to provide the Department of Homeland Security with the authority necessary to set and enforce security standards at high-risk chemical facilities in the U.S. That bill formed the basis for chemical security legislation signed into law in 2006 as part of the Department of Homeland Security Appropriations Act, 2007.

Specifically, section 550 requires the Department to issue rules requiring all high-risk chemical facilities to conduct vulnerability assessments, develop site security plans to address identified vulnerabilities, and implement protective measures necessary to satisfy risk-based performance standards. Section 550 also directs the Secretary of Homeland Security to review and approve those vulnerability assessments and site security plans and to audit and inspect covered chemical facilities for compliance with the performance standards. It also permits the Secretary to shut down covered facilities that are non-compliant.

In April 2007, the Department published interim final rules, known as the Chemical Facilities Anti-Terrorism Standards, CFATS, setting forth the requirements that high-risk chemical facilities must meet to comply with the law. Among other things, CFATS establishes 18 risk-based performance standards which facilities must meet to be in compliance with the law. These standards cover items such as securing the perimeter and critical targets, controlling access, deterring the theft of potentially dangerous chemicals, and preventing internal sabotage.

CFATS, however, does not dictate specific security measures. Instead, the law allows chemical facilities the flexibility to choose the security measures or programs that the owner or operator of the facility decides would best address the particular facility and its security risks, so long as these security measures satisfy the Department's 18 performance standards.

Since publishing CFATS in 2007, the Department has worked aggressively and diligently on implementation. The Department has hired and trained more than 100 chemical facility field inspectors and headquarters staff. Indeed, by the end of Fiscal Year 2010, the Department hopes to employ more than 260 CFATS staff. And, to date, the Department has received over $200 million in funding to support CFATS.

Given the daunting challenges of establishing such a comprehensive regulatory program from scratch, the Department wisely decided to implement CFATS in phases, beginning with those facilities presenting the very highest security risks.

To determine which facilities presented the highest risks, the Department first required chemical plants that possessed certain threshold quantities of specified chemicals to complete an online security assessment—called ''Top-Screen.'' Based on the Top-Screen and any other available information, the Department then ascertained whether a facility ''presented a high level of security risk'' and preliminarily divided such facilities into four tiers of escalating risk. While all covered facilities must satisfy the Department's performance standards, the security measures sufficient to meet them are more robust for those facilities in the higher tiers, such as Tiers 1 and 2.

For chemical facilities that qualified as ''preliminarily high risk,'' the Department required the preparation and submission of security vulnerability assessments. These assessments enabled the Department to identify more accurately each facility's risk and, thus, to assign final risk tier rankings. Based on these final tier rankings, these facilities must develop site security plans and submit to inspections or audits to ensure their compliance.

The men and women of the Department have processed a tremendous amount of information in a relatively short period of time. According to the Department, since establishing CFATS, it has reviewed almost 38,000 Top-Screen submissions and notified more than 7,000 facilities of their high-risk designations and preliminary tiers.

As of December 2009, CFATS covered only 6,000 facilities. Some facilities closed; others made material modifications that altered their risk profile. Of those remaining, the Department has assigned final tiers to almost 3,000—including all of the facilities in Tiers 1 and 2—and is now reviewing their site security plans.

Although the Department remains in the midst of implementing CFATS, it has generally received positive reviews for its work. The private sector has become a partner in the program's success. The collaborative nature of the program has been praised by many experts as a model for security-related regulation.

Notwithstanding the Department's success in administering the CFATS program and the considerable costs that facilities have incurred in complying with it, some now want to ''swap horses in midstream'' by radically overhauling the law.

Indeed, in November 2009, the House of Representatives passed legislation that would dramatically alter the nature of CFATS, requiring the Department to completely rework the program and stop its considerable progress—dead in its tracks. Among other things, the House bill would direct the Secretary of Homeland Security to establish new risk-based performance standards, require covered chemical facilities in Tiers 1 and 2 to implement so-called ''inherently safer technology'', IST, and allow third-party lawsuits against the Department over CFATS implementation.

Unfortunately, Mr. President, the changes proposed by the House will in no way enhance the nation's security. They will, however, impose unnecessary and costly burdens on the economy and destroy the collaborative public-private partnership critical to CFATS' success.

The House provision that would allow the Department to mandate that certain chemical facilities implement IST is an example. IST is an approach

to process engineering involving the use of less dangerous chemicals, less energetic reaction conditions, or reduced chemical inventories. It is not, however, a security measure. And because there is no precise methodology by which to measure whether one technology or process is safer than another, an IST mandate may actually increase or unacceptably transfer the risk to other points in the chemical process or elsewhere on the supply chain.

For example, it is my understanding that after careful evaluations of the available alternatives, many drinking water utilities have determined that gaseous chlorine remains their best and most effective drinking water treatment option. Their decisions were not based solely on financial cost considerations, but also on many other factors, such as the characteristics of the region's climate, geography, and source water supplies, the size and location of the utility's facilities, and the risks and benefits of gaseous chlorine use compared to those inherent with the use of alternative treatment processes.

According to one water utility located in an isolated area of the Northwest, if Congress were to force it to replace its use of gaseous chlorine with sodium hypochlorite, then the utility would have to use as much as seven times the current quantity of treatment chemicals to achieve comparable water quality results. In turn, the utility would have to arrange for many more bulk chemical deliveries, by trucks, into the watershed. The greater quantities of chemicals and increased frequency of truck deliveries would heighten the risk of an accident resulting in a chemical spill into the watershed. In fact, the accidental release of sodium hypochlorite into the watershed would likely cause greater harm to soils, vegetation and streams than a gaseous chlorine release in this remote area. Because the facility is so isolated from population centers, the gas released in the event of an accident would almost certainly dissipate before reaching populated areas.

Forcing chemical facilities to implement IST could wreak economic havoc on some facilities and affect the availability of products that all Americans take for granted. For instance, according to October 2009 testimony by the Society of Chemical Manufacturers and Affiliates before the House Committee on Energy and Commerce, mandatory IST would negatively restrict the production of pharmaceuticals and microelectronics, unnecessarily crippling those industries.

Moreover, the increased cost of a mandatory IST program could encourage chemical companies to transfer their operations overseas, costing thousands of American jobs.

To be clear, some owners and operators of chemical facilities will want to use IST. But the decision to implement IST should be that of the owner or operator, not a Washington bureaucrat.

In fact, the evidence is quite compelling that many chemical facilities, based on an assessment of many complex factors, have already taken steps to avoid the use, storage, and handling of extremely dangerous chemicals in favor of safer alternative processes. The Department's own data indicate that nearly 1,000 facilities voluntarily adopted safer alternative processes.

Notwithstanding all of the other changes to CFATS passed by the House, the mandatory IST requirement itself will bring CFATS to a screeching halt. This is neither necessary nor wise. Congress should not dictate specific industrial processes under the guise of security when a facility may choose other alternatives that meet the Nation's security needs.

That is precisely why Senators PRYOR, VOINOVICH, LANDRIEU, and I are introducing the Continuing Chemical Facilities Antiterrorism Security Act of 2010. Instead of directing the Department to start again from scratch, our legislation would reauthorize section 550 for five more years. Such an extension would provide the Department with sufficient time to fully implement the CFATS program in its current form. It would also provide a stable regulatory environment to encourage chemical innovation and industry confidence.

Our legislation also contains two improvements, both of which are based on similar provisions from the Security and Accountability For Every, SAFE, Port Act of 2006. The first would direct the Secretary to establish a voluntary Chemical Security Training Program to enhance the capabilities of Federal, State, and local governments, chemical industry personnel, and governmental and nongovernmental emergency response providers to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies that could affect chemical facilities. The second would create a voluntary program to test and evaluate these capabilities.

Not only is the chemical industry vital to our country's economy, but also it is the linchpin to the important advancements and innovations in critical fields such as science, technology, agriculture, medicine, and manufacturing.

As one of the co-authors of the first chemical security law, no one is more conscious than I am of the risks that attacks on chemical facilities pose to the nation. The Department has done a remarkable job developing a comprehensive chemical security program.

If our true intent is to secure high-risk facilities, then it is incumbent upon Congress to allow the Department to continue doing its job implementing CFATS.

By Mr. UDALL, of Colorado:

S. 2999. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bill to improve the management our public lands by increasing the fines and penalties associated with violations of law—and regulation—governing the use of these lands.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an expanded use and enjoyment of our public lands. These uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such uses. As a result, many of our public lands are being damaged.

While most users are responsible and law-abiding, some either knowingly or inadvertently violate these rules and damage these precious natural resources, which harms wildlife, increases run-off and sediment loading in rivers and streams, diminishes the enjoyment of other users, and impacts sensitive high-alpine tundra, desert soils, and wetlands. In addition, as we have seen over the past decade, the careless use of fire can catastrophically damage homes and habitat, and can result in the tragic loss of life.

Often times, when these violations occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under the Federal Land Policy and Management Act of 1976, the Bureau of Land Management is limited to a fine of $1,000 no matter how great the damage. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such knowing violations to $100,000, and possible imprisonment, and for other non-willful violations to $5,000. The bill is similar to one that I cosponsored in previous Congresses. The need for this legislation was demonstrated by incidents in several states, including some in Colorado.

For example, in the summer of 2000, two recreational off-road vehicles ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, CO. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with others to pull them out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted

in a Denver Post story about this incident, ''alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it's helpless against big tires.''

Despite the extent of the damage, the violators were only fined $600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event in the mountains near Boulder, CO, that became popularly known as the ''mudfest.''

Two Denver radio personalities announced that they were going to take their off-road four-wheel drive vehicles for a weekend's outing on an area of private property along an existing access road used by recreational off-road vehicles. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from $66,000 to hundreds of thousands of dollars.

Most of the ''mudfest'' damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National Forest—but the Forest Service only assessed a $50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensued, and is an ineffective deterrent for future similar behavior.

These are but two examples. And these violations are not just limited to off-road vehicle use. Regrettably, there have been many more such examples not only in Colorado but also throughout the west from a range of public land uses. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, it would amend the Federal Lands Policy and Management Act and other relevant laws governing the Forest Service, the National Park Service, and the Fish and Wildlife Service to authorize these agencies to assess greater fines on those who violate laws and regulations governing the use of these special lands. The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess up to $100,000 in fines, or up to 12 months in jail, or both, for violations of these laws and regulations. In addition, the bill establishes that any reckless use of fire on these public lands shall be punishable by fines of no less than $500.

This bill augments another bill, S. 720, the Federal Land Restoration, Enhancement, Public Education, and Information Resources Act or the Federal Land REPAIR Act, which I have introduced this session with my colleague Senator BENNET. S. 720 would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper recreational use of our federal lands.

With the increase in fines established by this bill, along with the authorization to apply these funds to restoring damaged lands under the REPAIR Act, these public land agencies could restore address impacts on these public lands. Specifically, these bills would allow the public land agencies to repair damaged wildlife habitat, replant wetland vegetation, re-vegetate scarred lands, repair trails, roadways, and embankments to stem erosion and restore riparian ecosystems, and install barriers and other security measures to help deter violations in the first place.

Together, these bills can go a long way to giving the federal public land agencies the tools they need to better protect and restore these sensitive and critical lands for the use and enjoyment for generations to come. I ask my colleagues to support this bill.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 3002. A bill to amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCAIN. Mr. President, today I am pleased to introduce the Dietary Supplement Safety Act of 2010 with my colleague Senator DORGAN. This bill would strengthen the Food and Drug Administration's, FDA, regulation of dietary supplements to ensure the safety of the millions of Americans who use them daily. The proposed legislation would require manufacturers of dietary supplements to register with the FDA and disclose a full list of ingredients contained in each supplement. Currently, these companies do not have to submit such information before their products are offered for sale to consumers.

A little over a year ago the NFL suspended six players, including two players from one of the teams competing this Sunday, for violating the league's anti-doping policy. Several of the players were surprised that they tested positive for a banned substance because they used a dietary supplement they believed to be safe and legal. Additionally, a recent GAO study, GAO–09–250, found that a record number of young Americans are using dietary supplements naively believing these supplements are safe and approved by the FDA for sale. However, FDA does not have a pre-market approval process. In a recent article published in The New York Times, it was reported that Americans spent almost $24 billion on dietary supplements last year. Close to $3 billion of that total is estimated to have come from manufactures that frequently advertise their products as alternatives to anabolic steroids, which are used for increasing muscle mass and strength.

The current regulatory process does not adequately address the problem. Manufactures of dietary supplements are not required to demonstrate that their product is safe and effective before it is offered for sale to the public. The dietary supplement industry is one that is mostly self-regulated. However, manufacturers have failed to disclose to their customers key ingredients that may harm a consumer's health.

For this reason, the proposed bill would require manufacturers to register the locations they manufacture these supplements, the products they are making, and disclose the ingredients found in their products with the FDA. Furthermore, dietary supplement companies would be required to provide a 75 day pre-market notice to the FDA not only for New Dietary Ingredients, but for all products containing steroids, including hormones, pro-hormones, and hormone analogues, and must establish that the product is safe for its intended use.

Lastly, the proposed legislation provides the FDA with mandatory recall authority if a product is found to be unsafe or harmful. Had this provision been in place earlier, the FD might not have taken 10 years to ban ephedra, a dietary ingredient that accounted for 64 percent of all adverse reactions in 2001, despite accounting for 1 percent of all total dietary supplement sales. It has been reported that use of ephedra contributed to the deaths of Baltimore Orioles pitcher Steve Bechler and Minnesota Vikings player Korey Stringer. Sadly and unfortunately, there are numerous stories of amateur athletes who took this supplement and experienced serious health problems.

Legitimate dietary supplement companies should have nothing to fear from this legislation. These additional requirements are critical to the FDA's ability to evaluate the safety of particular dietary ingredients and to quickly identify and notify all dietary supplement manufacturers and consumers of ingredients with known safety risks. People's lives and dreams have been significantly impacted by illegitimate supplements. The purpose of the bill is not to create a sweeping regulatory structure, but instead a targeted structure that provides for openness, transparency and safety. All Americans should know the ingredients of any dietary supplement they use and the FDA must have the tools necessary to ensure the safety of all Americans.

I am proud that this legislation is supported by all the major sports leagues, including Major League Baseball, the National Basketball Association, the National Football League,

and the National Hockey League. Additionally, the legislation is supported by the United States Anti-Doping Agency, the United States Olympic Committee, the American College of Sports Medicine, National College Athletic Association, NCAA, and the PGA Tour. I hope my colleagues will join these organizations in supporting this needed legislation.

By Mr. DODD:

S. 3003. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I rise to introduce the Shaken Baby Syndrome Prevention Act of 2010, important legislation that promotes awareness and prevention of Shaken Baby Syndrome/Abusive Head Trauma, a devastating form of child abuse that results in the severe injury, disability or death of hundreds of children each year.

Child abuse and neglect is a well-documented tragedy for some of our youngest and most vulnerable citizens. According to the National Child Abuse and Neglect Data System, NCANDS, 794,000 children were victims of abuse and neglect in 2007. Babies are particularly vulnerable; in 2007, children aged 12 months or younger accounted for nearly 40 percent of all child abuse and neglect fatalities and children aged 4 years and younger accounted for almost 77 percent. Yet even these disturbing statistics may not paint an accurate picture; most experts agree that child abuse is widely under reported.

Abusive head trauma, including Shaken Baby Syndrome, is the leading cause of death of physically abused children, in particular for infants younger than one. When a frustrated caregiver loses control and violently shakes a baby or impacts the baby's head, the trauma can kill the child or cause severe injuries, including loss of vision, loss of hearing, brain damage, paralysis, and/or seizures, resulting in lifelong disabilities and creating profound grief for many families.

Far too many children have experienced the horrible devastation of Shaken Baby Syndrome. A 2003 report in the Journal of the American Medical Association estimates that as a result of Shaken Baby Syndrome, an average of 300 U.S. children will die each year, and 600 to 1,200 more will be injured, of whom 2/3 will be infants younger than one. Medical professionals believe that thousands of Shaken Baby Syndrome cases are misdiagnosed or undetected, as many children do not immediately exhibit obvious symptoms after the abuse.

Prevention programs can significantly reduce the number of cases of Shaken Baby Syndrome. For example, the upstate New York SBS Prevention Project at Children's Hospital of Buffalo has used a simple video to educate new parents before they leave the hospital, reducing the number of shaken baby incidents in the area by nearly 50 percent.

In Connecticut, a multifaceted prevention approach involving hospitals, schools, childcare providers, and community-based organizations in awareness and training activities, including home visits and targeted outreach, has raised awareness and encouraged prevention across the state. Hospitals in many states educate new parents about the dangers of shaking a baby, yet it is estimated that less than 60 percent of parents of newborns receive information about the dangers of shaking a baby. Without more outreach, education, and training, the risk of Shaken Baby Syndrome will persist.

With the introduction of the Shaken Baby Syndrome Prevention Act of 2010, I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately to eliminate Shaken Baby Syndrome. Our initiative provides for the creation of a public health campaign, including development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of SBS, and establishment of a cross-disciplinary advisory council to help coordinate national efforts.

The campaign will educate the general public, parents, child care providers, health care professionals and others about the dangers of shaking, as well as healthy preventative approaches for frustrated parents and caregivers coping with a crying or fussy infant. The legislation ensures support for families who have been affected by SBS, and for families and caregivers struggling with infant crying, through a 24-hour hotline and an informational website. All of these activities are to be implemented through the coordination of existing programs and/or the establishment of new efforts, to bring together the best in current prevention, awareness and education practices to be expanded into areas in need. Awareness is absolutely critical to prevention. Families, professionals and caregivers responsible for infants and young children and must learn about the dangers of violent shaking and abusive impacts to the head.

Additionally, this bill will include a study to identify the current data collected on Shaken Baby Syndrome and examine the feasibility of collecting uniform, accurate data from all states regarding the incidence rates of Shaken Baby Syndrome, the characteristics of perpetrators, and the characteristics of victims. It is my hope that having this information will enable us to better reach those who may be at risk for Shaken Baby Syndrome and, thus, prevent Shaken Baby Syndrome.

On behalf of the victims of Shaken Baby Syndrome, including Cynthia Gibbs from New York, Hannah Juceum from California, Sarah Donohue from New York, Kierra Harrison from Nevada, Miranda Raymond from Pennsylvania, Taylor Rogers from Illinois, Cassandra Castens from Arizona, Gabriela Poole from Florida, Amber Stone from New York, Bennett Sandwell from Missouri, Jamison Carmichael from Florida, Margaret Dittman from Texas, Dalton Fish from Indiana, Stephen Siegfried from Texas, Kaden Isings from Washington, Joseph Wells from Texas, Dawson Rath from Pennsylvania, Macie McCarty from Minnesota, Jake Belisle from Maine, Benjamin Zentz from Michigan, Chloe Salazar from New Mexico, Madison Musser of Oklahoma, Daniel Carbajal from Texas, Nykkole Becker from Minnesota, Gianna D'Alessio from Rhode Island, Brynn Ackley from Washington, Rachael Kang from Texas, John Sprague from Maryland, Ryan Sanders from Virginia, David Sedlet from California, Reagan Johnson from Virginia, Skipper Lithco from New York, Brittney Sheets from New York, Madilyne Wentz from Missouri, Nicolette Klinker from Colorado, Brianna Moore from West Virginia, Shania Maria from Massachusetts, Dayton Jones from Pennsylvania, Breanna Sherer from California, Evelyn Biondo from New York, Kenneth Hardy from Pennsylvania, Alexis Vazquez from Florida, Joshua True from Washington, Stephen David from California, Michael Blair from Arkansas, Olivia Thomas from Ohio, Kaleb Schwade from Florida, Aiden Jenkins from Pennsylvania, Isabella Clark from Pennsylvania, Aaron Cherry from Texas, Dominic Morelock from Ohio, Emmy Cole from Maine, Chelsea Forant from Massachusetts, Joshua Cross from Ohio, Gavin Calloway from Maryland, Christopher Daughtrey from North Carolina, McKynzee Goin from Oregon, Bryce McCormick from Florida, and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that this legislation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

By Mr. BROWN:

S. 3004. A bill to require notification to and prior approval by shareholders of certain political expenditures by publicly traded companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BROWN of Ohio. Mr. President, last month, the Supreme Court ruled that corporations, U.S. or multinational, are equivalent to people and should be able to spend an unlimited amount of company money on political campaigns.

I bet the framers of our constitution could not only tell the difference between businesses and people, but could predict the result if businesses are permitted to spend without limit to elect their favorite politicians.

The top three Fortune 500 companies brought in an average profit of more than $27 billion last year. The average Ohio household brought home an income of about $48,000.

If you believe our government should be by the people and for the people—flesh and blood people—then corporations already have far more influence on our political process than they should.

In 2009, corporations spent $3.3 billion lobbying Congress to influence insurance legislation and prescription drug legislation and financial reform legislation and the list goes on. Now they will be able to spend unlimited funds to elect their favorite candidates to Congress, getting in on the ground floor in the hopes that legislation they don't like will never see the light of day.

Grassroots organizations like, conservative organization and Families USA, whose members are real people with real concerns, will be left in the dust by the drug industry and other deep pocketed special interests.

The bottom-line is that our democratic form of government will sit on a cushion of corporate cash. If Corporate America wants to decide who runs our country, they will have a billion ways to do it.

Congress has—and must exercise—its constitutionally granted authority to minimize the negative impact of this decision. Today, I introduced The Citizens Right to Know Act, legislation that is intended to reduce the incentive for corporations to buy out the political process. It would also put a stop to foreign influence on U.S. elections.

To protect shareholder investments, this legislation would require all the shareholders of a corporation to vote for election spending before it happens, with approval by a majority of shareholders. Each shareholder would get one vote per share of common stock held. If shareholders know that millions or billions in potential dividends are about to be spent on campaign ads, they may help instill some reason into the, elected, leadership of the corporations they own.

It would also require corporate CEOs to do what political candidates do when they pay for political advertising: political candidates face the camera and tell the public that they sponsored the commercial. Corporate CEOs would have to do the same for their political advertisements. Issue organizations or trade groups would have to disclose their three top corporate contributors, and to disclose funding information for certain radio and print ads on their website. Shedding sunlight on the political shenanigans of billion dollar corporations may do a world of good in dampening the effects of their spending.

Finally, the bill would close a loophole that permits foreign investors, including foreign governments, to influence U.S. elections by channeling money through a U.S. affiliate. Any company that has a 51 percent or greater ownership stake from a foreign entity, be it a foreign individual, business association, or government, would be prohibited from spending money to influence. I think we can all agree that foreign governments should not have the same right to contribute to campaigns as the American people, and it would be outrageous if they could spend money to influence the outcome of the Presidential or any other race.

Americans—true, red blooded Americans—should decide who represents them in our democratic system. Billion dollar corporations make important contributions to our nation, but tilting our democratic system their way is not one of them.

By Mr. REED:

S. 3005. A bill to create an independent research institute, to be known as the ''National Institute of Finance'', that will oversee the collection and standardization of data on financial entities and activities, and conduct monitoring and other research and analytical activities to support the work of the Federal financial regulatory agencies and the Congress; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the National Institute of Finance Act of 2010, which would create an Institute to provide our financial regulators with the data and analytic tools needed to prevent and contain future financial crises.

By establishing this new Institute, my bill offers the foundation for a new approach to financial regulation that would better protect Americans from the financial storm they are currently struggling through.

Over the past 18 months, we have learned that our regulators did not have the appropriate tools or knowledge to address risks that cut across different markets and sectors of the financial system. The recently passed House financial regulatory reform bill and other proposals take an important step in filling this huge regulatory gap by establishing centralized systemic risk oversight. However, any new regulatory structure will be ineffective unless we also equip it with a strong, independent, and well-funded data, research, and analytic capacity to fulfill its mission.

The idea for the National Institute of Finance has been endorsed by a dedicated group of the Nation's top academic researchers, economists, and statisticians—including Nobel Laureate Harry Markowitz—who recognize that any financial regulatory reform is incomplete without a much stronger data, research, and analytic capability.

To further explore these issues, I asked the National Academy of Sciences in August to study the data and tools needed for systemic risk regulation. Among the Academy's findings: that the U.S. currently lacks the technical tools to monitor and manage systemic financial risk with sufficient comprehensiveness and precision. That market efficiency, in addition to regulatory capacity, would be enhanced by improved intelligence about what is going on in the system as a whole. And that existing capabilities are not a sufficient foundation for systemic risk management.

The bill I introduce today addresses these significant weaknesses by creating the National Institute of Finance, whose mission will be to support the community of financial regulatory agencies by collecting and standardizing the reporting of financial market data; performing applied and essential long-term research; and developing tools for measuring and monitoring systemic risk.

The Institute would house a data center that would collect, validate and maintain key data to perform its mission, including a central database to map the interconnections between financial institutions, along with details on their transactions and positions, and their valuation of their assets and liabilities. By working with banks and other firms to standardize the format of such data and by providing standard reference data, such as databases of legal entities and financial products, the Institute would reduce the costs to regulators and financial institutions from the currently fragmented and disorganized systems used to collect and store such information.

Second, the Institute would contain a research and analysis center to develop the needed metrics and then measure and monitor systemic risk posed by individual firms and markets. This new Institute would house some of the country's most-well-respected researchers to collect and analyze the data needed to understand what is happening in our financial markets, to conduct investigations of market disruptions, and to work with regulators to identify new and dangerous trends.

It would conduct and help coordinate applied research on financial markets and systemic risk, a field that is not well-represented right now at the Federal Reserve or within our other regulatory agencies. It would also develop the metrics and tools our regulators need to measure and monitor systemic risk and help policymakers by conducting studies and providing advice on the impact of government policies on systemic risk.

Finally, the Institute would provide independent periodic reports to Congress on the state of the financial system, ensuring that we are kept apprised of the overall picture of our markets more effectively than we have been in the past. The domino effect caused by the recession will continue to cripple Rhode Island families and Americans across the country unless we put in place a strong new infrastructure and shore up our financial markets.

I hope my colleagues will join me in strengthening our financial system by cosponsoring this legislation and supporting its passage.

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. 3005

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 ''National Institute of Finance Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States is experiencing the worst economic and financial crisis since the Great Depression. The nature of the current crisis is systemic. It was set in motion not by the actions of any single entity, but by a loss of confidence throughout the financial system as a whole.

(2) Such catastrophic events revealed significant shortcomings in the legal tools available to financial policymakers. The scale and systemic nature of the crisis calls for a thorough review of the United States' system of financial regulation, to assess its capacity to understand, monitor, and respond to systemic threats. It is critical that financial regulators have the legal tools they need to act quickly, decisively, effectively, and when appropriate, preemptively, to prevent systemic financial crises in the future and to mitigate their negative impact, should they recur.

(3) The recent catastrophic events in financial markets also revealed significant gaps in the information and analytic tools available to regulators and policymakers charged with ensuring the health of the financial system.

(4) Systemic risk involves interactions among financial entities in addition to features of individual firms. Therefore, to understand and monitor the buildup of systemic risk in the financial system requires information about such interactions among institutions.

(5) Operational methods do not exist by which to measure systemic risks in the United States financial system. Nor do proven operational techniques exist by which regulators can identify the buildup of systemic risks in the United States financial system.

(6) Regulators do not have effective methodologies for assessing the effects of particular regulatory actions or approaches on the overall health of the financial system.

(7) Financial regulators do not have the data needed to map the networks of counterparty relationships through which systemic contagion could spread. Nor do they have the analytic tools required to translate such data into useful, actionable information.

(8) Notwithstanding noteworthy efforts from the research community, sustained, large-scale programs of applied research and development necessary to create operational systems for understanding, measuring, and monitoring systemic risk in financial systems have not emerged.

(9) There is a substantial amount of high-quality research in academia in relevant disciplines, including financial economics, statistics, and operations research, but such research tends to focus on theoretical or conceptual innovations that are not immediately reducible to operational practice.

(10) The incentives confronting academic researchers work against the production of research that does not yield novel theoretical insights or computational techniques.

(11) The challenges of gaining access to data and obtaining funding from government and industry for academic research severely restrict the number of academics working on understanding and monitoring systemic risk in the financial markets.

(12) Some of the largest commercial firms make substantial investments in research and development in the area of quantitative finance, but such commercial research programs are targeted almost exclusively at applications that create commercial value for the firms undertaking the substantial investments necessary to support the programs, and focus primarily on techniques for pricing particular financial instruments and managing firm-specific risks.

(13) Financial institutions that sponsor research programs usually protect the results of investigations as commercial trade secrets. Even those results that might be useful in application to the analysis of systemic risk are generally not available to the public.

(14) No organization anywhere has access to the comprehensive transaction-level data that are necessary to map the network of counterparty relationships in the financial system. Absent such data, it is not possible to evaluate the primary counterparty risks, the extent to which any given firm is vulnerable to the failure of one of its counterparties, or broader counterparty network risks.

(15) It is not possible to understand, assess, or predict how the collapse of one or more institutions might set off a cascade of failure that destabilizes the entire financial system.

(16) Without intelligence about the network of counterparty relationships and the liquidity provided by the members of the counterparty network, it is difficult even to identify reliably the set of institutions that regulators should deem to be systemically important.

(17) Notwithstanding statutory mandates that call for sharing of information among regulatory agencies, United States financial regulators do not require that firms report data in a uniform standard format. The lack of compatibility in the data formats used by different agencies implies in practice that agencies find it difficult and expensive to integrate data from multiple sources.

(18) In periods of financial crisis such as that experienced in the 2 years preceding the date of enactment of this Act, absence of data comparability becomes a critical handicap, in that dispersed information cannot quickly be integrated into a comprehensive framework that could help reveal the condition of the financial system as a whole. Without a capacity quickly to compare and integrate financial data of diverse types from multiple sources, regulators are unable to analyze the state of the financial system accurately and comprehensively. Nor are they able to foresee, and potentially head off, the onset of a financial crisis.

(19) The events of September 2008 offer a sobering example of the consequences that can flow from an inability quickly to integrate financial data from diverse sources. During several critical days in that month, senior Government officials contemplated the possible consequences of allowing the failure of Lehman Brothers Holdings, Inc. Insofar as the content of their deliberations is accessible in the public record, there is little evidence that such officials had at their disposal an intelligence system that could illuminate the potential consequences of alternative choices. Notwithstanding that the United States Government, through its several agencies, collects a broad range of information from financial firms, the events of September 2008 revealed that, at this most critical juncture, these data and accompanying analytics could not provide financial officials with the information they needed.

(20) The creation of a system for collecting and organizing a comprehensive financial transaction database that employs standardized formats is feasible.

(21) The Enterprise Data Management Council, an industry consortium, is on record as advocating both the feasibility and desirability of bringing uniform standards to the collection, reporting, and management of financial transaction data.

(22) A leading financial firm has developed for its internal use a system that incorporates comprehensive reference databases of all legal entities in its counterparty network and of all of the many types of financial instruments in which it transacts. Using the system, the firm can compute its exposure to many of their counterparties within an hour.

(23) A leading information technology firm has developed a prototype of an operational system that would support a comprehensive database of financial instruments and transactions across the entire economy, and in collaboration with other private sector firms and public sector entities, is in the process of developing a prototype system for maintaining the needed system-wide reference databases.

(24) The community of financial regulators can realize substantial benefits by consolidating into one entity the highly technical tasks of establishing and maintaining uniform standards for reporting financial data, organizing and managing high-volume flows of financial data, providing analytic and high performance computational services, performing applied research and development activities, and conducting, coordinating, and sponsoring essential long term, fundamental research in the field of financial analysis and regulatory intelligence.

(25) Such technical tasks benefit from increasing economies of scale, the total cost of providing such services to the regulatory community promises to be lower if one agency is tasked to provide all of such data, instead of creating redundant and less effective units in each of the several financial regulatory agencies.

(26) An entity that provides access to data and analytic tools to all regulatory agencies on a common basis would help to ensure that all agencies are receiving accurate, consistent, comparable data and analytic tools that can be modified for agency-specific needs.

(27) The creation of an entity that creates shared data and analytic services will provide a natural and regular vehicle for the exchange of research and collaboration between regulatory agencies.

(28) The emergence of uniform standards for referencing and reporting financial transactions would generate substantial benefits for the financial services industry. There is, at present, no consistent, comprehensive, and universal system for coding, transmitting, and storing financial transaction data. Data reside typically in unconnected databases and spreadsheets, using multiple formats and inconsistent definitions. The routine conduct of business obliges firms to incur substantial costs to translate and transfer data among otherwise incompatible systems. In addition, this data incomparability impedes the ability of companies to assess their risks accurately. The adoption of a common language for data coding and handling would dramatically reduce costs for processing transactions and carrying out other administrative tasks. Standardized reporting would also enable firms to map their counterparty relationships more clearly and more easily understand their

credit exposures to other firms, a development that promises improvements in risk management practices across the industry.

(29) In August 2008, the Counterparty Risk Management Policy Group called for the financial industry to move rapidly toward real-time reconciliation and confirmation of financial transactions. Industry experts believe that this change would yield substantial benefits to firms individually, to the financial services industry, and to the economy as a whole. Achieving this goal would not be possible, however, without industry-wide adoption of common standards for coding and handling financial transaction data. Despite the clear benefits of data standardization and despite years of effort by the industry, through consortia such as the Enterprise Data Management Council, the financial services industry has not been able to make meaningful progress towards the goal of universal adoption of uniform, consistent standards for data handling.

(30) Efforts to see a common set of standards for financial data adopted universally are impeded by so-called ''network effects''. The benefits of adoption for any one firm depend on the extent to which other firms adopt the same common language. For any one institution, the full benefits are distinctly limited until a critical number of participants in the industry adopt the same standards. In light of these network effects, the adoption of a single data handling standard by all industry participants presents a daunting coordination challenge. Each individual firm is discouraged from making the substantial investments required to upgrade its own systems, unless and until they receive assurance that others in the industry will follow suit. Many firms are deferring significant upgrades to their systems until well-defined industry-wide standards are accepted.

(31) The financial services industry's historical experience strongly suggests that the industry is unlikely to achieve universal adoption of a single data-handling standard on its own initiative, through either the decentralized actions of industry participants or through voluntary coordination at the urging of industry consortia or trade associations. Standardization of financial data will require an external mandate.

(32) The new data standards promulgated for reporting by firms will emerge as the de facto standard for data management in the finance industry, a standard on which firms could converge. Firms could then be confident of realizing a significant return on the investment needed to update their internal systems, knowing that other industry participants were doing likewise.

(33) The establishment of Federal requirements for the maintenance and provision of reference databases and reporting of transactions and position data to a central repository would assure individual institutions of a significant return on the investment needed to update their internal systems. Firms would benefit from not having to maintain their own unique reference databases, standardized reporting would greatly reduce the cost of reconciling trades and other back office activities, and it would give firms a clear map of their counterparty relationships, which would facilitate better risk management across the industry.

(34) Once achieved, the universal adoption of standard protocols for handling financial transaction data promises to generate significant and sustained improvements in the efficiency and productivity of the financial services industry in the United States. Such improvements will help to secure and maintain the international leadership position of United States capital markets.

(35) United States regulators must never again find themselves confronting a financial crisis without the full set of legal, data, and analytic tools they need to understand, measure, monitor, and respond intelligently to systemic risks that threaten the stability (of the United States financial system.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that the financial regulatory community is equipped fully with the data and analytic tools it needs to fulfill its responsibility to safeguard the United States financial system;

(2) to reduce the likelihood of another systemic financial crisis occurring;

(3) to restore integrity and confidence to the financial markets of the United States;

(4) to provide for the security of the United States economy from potential external threats to the United States financial system;

(5) to improve the efficiency of the financial markets in the United States;

(6) to reduce the cost and increase the effectiveness of coordinated financial regulation in the United States;

(7) to help maintain the leadership position of the United States as home to the most efficient, competitive, and productive capital markets in the world; and

(8) to help restore and maintain conditions in the United States financial system that will support the creation of wealth and prosperity in the United States.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) FINANCIAL REGULATORY AGENCY.—The term ''financial regulatory agency'' means any Federal regulatory agency or body charged with regulating, examining, or supervising a financial entity or activity, including any financial systemic risk council or agency established by Congress.

(2) INSTITUTE; DIRECTOR; BOARD OF DIRECTORS.—The terms ''Institute'', ''Director'', and ''Board of Directors'' mean the National Institute of Finance, the Director thereof, and the Board of Directors thereof, respectively.

(3) FINANCIAL ENTITY.—

(A) IN GENERAL.—The term ''financial entity'' means any corporation, partnership, individual, or other organizational form, whether public or private, used to engage in any type of financial activity that may contribute to systemic risk, including any bank, savings association, credit union, industrial loan company, trust, pension fund, holding company, lender, finance company, mortgage broker, broker-dealer, mutual fund or other investment company, investment adviser, hedge fund, insurance company, clearinghouse or other central counterparty, exchange, and any other entity or institution that the Director determines, at the formation of the Institute, are necessary for the Institute to complete its duties under this Act.

(B) DIRECTOR AUTHORITY.—The Director may, by rule, add new types of entities or institutions to be treated as financial entities for purposes of this Act.

(4) SYSTEMIC RISK.—The term ''systemic risk'' means the risk that a failure or default by a financial entity or entities, or exposures to a financial product or products or activity will produce—

(A) significant disruptions to the operations of financial markets;

(B) the spreading of financial losses and failures through the financial system; or

(C) significant disruption to the broader economy.

(5) FINANCIAL CONTRACT.—The term ''financial contract'' mean a legally binding agreement between 2 or more counterparties, describing rights, and obligations relating to the future delivery of items of intrinsic or extrinsic value among the counterparties.

(6) FINANCIAL INSTRUMENT.—The term ''financial instrument'' means a financial contract in which the terms and conditions are publicly available, and the roles of 1 or more of the counterparties are assignable without the consent of any of the other counterparties, including common stock of a publicly traded company, government bonds, and exchange traded futures and options contracts.

(7) FINANCIAL ENTITY REFERENCE DATABASE.—The term ''financial entity reference database'' means a comprehensive list of financial entities that may be counterparties to financial transactions or referenced in the contractual structure of a financial instrument. For each financial entity, the database shall include, but not be limited to a unique identifier, and sufficient information to differentiate the entity from every other entity, including an exact legal name and an address for each company, and an exact legal name and a social security number for each American citizen. For financial entities that are legally owned by or otherwise contained within other financial entities, the database shall include such information.

(8) FINANCIAL INSTRUMENT REFERENCE DATABASE.—The term ''financial instrument reference database'' means a comprehensive list of unique financial instruments. For each financial instrument, the database shall include a unique identifier and a comprehensive description of the contractual structure of the instrument as well as all express terms governing the interpretation and implementation of the contract, including jurisdiction, force majeure, and dispute resolution. The contractual structure shall include the financial and economic obligations and rights, both express and implied, and including through legal agreements such as netting agreements, established among all of the counterparties having identified roles in the contract, including advisors, principals, trustees, custodians, guarantors, prime brokers, executing brokers, clearing brokers, and issuers of securities. An electronic copy of the prospectus for each financial instrument for which a prospectus was created or distributed shall also be contained in the database.

(9) FINANCIAL TRANSACTION DATA.—The term ''financial transaction'' means the explicit or implicit creation of a financial contract where at least one of the counterparties is required to report to the Institute. The data describing the transaction shall include the structure of the contract created in the transaction, as well as all express terms governing the interpretation and implementation of the contract, including jurisdiction, force majeure, and dispute resolution. The contractual structure shall include clearly identified counterparties, clearly identified financial instruments (when used as part of the structure of the contract), and the financial and economic obligations and rights, both express and implied, established among all of the counterparties with identified roles in the contract.

(10) POSITION DATA.—The term ''position'' means a financial asset or liability held on the balance sheet of a financial entity. A new position is created, or the quantity of an existing position is changed, by the execution of a financial transaction involving the financial entity as a counterparty. Position data include—

(A) the counterparty identifier;

(B) a contract identifier;

(C) the role of the counterparty on the transaction;

(D) a quantity, if applicable;

(E) a location, if applicable; and

(F) the valuation of the position for the purposes of the books and records of the financial entity.

SEC. 4. ESTABLISHMENT OF NATIONAL INSTITUTE OF FINANCE; ADMINISTRATIVE MATTERS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the National Institute of Finance, which shall be an independent establishment, as that term is defined in section 104 of title 5, United States Code.

(2) MISSION.—The mission of the Institute is to support the Federal financial regulatory agencies, including any systemic risk council or agency established by Congress, by—

(A) collecting and providing data;

(B) standardizing the types and formats of data reported and collected;

(C) performing applied research and essential long-term research;

(D) developing tools for risk measurement and monitoring;

(E) performing other related services; and

(F) making the results of its activities available to financial regulatory agencies.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM OF SERVICE.—The Director shall serve for a term of 15 years.

(3) EXECUTIVE LEVEL AND PENSION.—The position of the Director shall be at level II of the Executive Schedule, and a Director who serves a full term, or becomes disabled and unable to fulfill the responsibilities of the Director after serving at least 10 years, shall receive a pension at retirement equal to the salary of that person in the last year of the term, and that pension shall increase in subsequent years with the increase in the cost of living.

(4) VACANCY.—In the event that a successor is not nominated and confirmed by the end of the term of service of a Director, the Director may continue to serve until such time as the new Director is appointed and confirmed.

(5) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of Director may not, during such service, also serve as the head of any financial regulatory agency.

(6) RESPONSIBILITIES, DUTIES AND AUTHORITY.—The Director shall have sole discretion to fulfill the responsibilities and duties and exercise the authorities described in this Act, except in cases where specific authorities have been given to the Board of Directors.

(c) BOARD OF DIRECTORS.—The Board of Directors of the Institute shall be comprised of the Director, the Secretary of the Treasury, and the head of each financial regulatory agency.

(d) MEMBERSHIP OF THE DIRECTOR ON THE BOARD OF DIRECTORS.—The Director shall serve as a voting member of the Board of Directors and as a member of any financial systemic risk regulatory council or agency established by Congress.

(e) FUNDING.—

(1) ANNUAL BUDGET.—The Director, in consultation with the Board of Directors shall establish the initial annual budget. For all other annual budgets, the Director shall submit an annual budget for the Institute to the Board of Directors not later than April 30 of each year. The Board of Directors may, without amendment, reject the budget with a two-thirds majority vote. Each time a budget is rejected, the Director shall submit a revised budget to the Board of Directors within 60 days, and the Board of Directors may, without amendment, reject the budget with a two-thirds majority vote. If the Board of Directors fails to reject the budget within 60 days of submission by the Director, the budget shall be automatically approved. If a new budget is not approved before the existing budget expires, the most recent approved budget shall continue on a pro rata basis. Each submitted budget and all votes by the Board of Directors on each budget shall be part of the public record of the Board of Directors.

(2) ASSESSMENTS.—The Institute shall be funded through assessments on the financial entities required to report data to the Institute. The formula by which the budgetary costs are allocated among the reporting entities shall be determined by the Board of Directors. If the Board of Directors fails to establish the formula within 60 days of submission of a budget by the Director, the Director shall determine the formula by which the budgetary costs are allocated among the reporting entities for that year.

(3) INITIAL FUNDING AND START UP.—During the first 4 years of the operation of the Institute, the Institute shall have authority to borrow against future assessment revenue from the Federal Financing Bank. Such borrowed funds shall be paid back to the Federal Financing Bank over a term not to exceed 20 years. The Secretary of the Treasury, and any financial regulatory agency, may second personnel to the Institute to assist the operations of the Institute.

(f) EXCEPTED SERVICE AGENCY.—The Institute shall be an excepted service agency.

(g) PERSONNEL.—The Board of Directors may fix the compensation of Institute personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates. The rates of pay and benefits shall be competitive with and comparable to the rates of pay and benefits at Federal financial regulatory agencies that are not covered by title 5, United States Code.

(h) NON-COMPETE.—The Director and staff of the Institute, who have had access to the transaction or position data maintained by the Data Center or other business confidential information about financial entities required to report to the Institute, may not, for a period of 1 year after last having access to such transaction or position data or business confidential information, be employed by or provide advice or consulting services to a financial entity, regardless of whether it is required to report to the Institute. Individual staff members who notify the Director of their intention to terminate their employment with the Institute and to seek employment with a prohibited employer or in a prohibited activity, shall be transferred for a period of 12 months to a position that does not provide access to transaction or position data or other business confidential information. For staff whose access to business confidential information was limited, the Board of Directors may provide, on a case-by-case basis, for a shorter period of post-employment prohibition, provided that the shorter period does not compromise business confidential information.

(i) ADVISORY BOARDS.—The Institute shall maintain any advisory boards that the Director determines are needed to complete the mission of the Institute.

(j) FELLOWSHIP PROGRAM.—The Institute may establish and maintain an academic and professional fellowship program, under which qualified academics and professionals shall be invited to spend not longer than 2 years at the Institute, to perform research and to provide advanced training for Institute personnel.

(k) EXECUTIVE SCHEDULE MATTERS.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

''Director of the National Institute of Finance.''.

SEC. 5. ORGANIZATIONAL STRUCTURE; RESPONSIBILITIES OF PRIMARY PROGRAMMATIC UNITS.

(a) IN GENERAL.—The Institute shall carry out its programmatic responsibilities through—

(1) the Federal Financial Data Center (in this Act referred to as the '' 'Data Center' ''); and

(2) the Federal Financial Research and Analysis Center (in this Act referred to as the '' 'Research Center' '').

(b) FEDERAL FINANCIAL DATA CENTER.—

(1) GENERAL DUTIES.—The Data Center shall collect, validate, and maintain all data necessary to carry out its duties, as described in this Act.

(2) RESPONSIBILITIES.—The Data Center shall prepare and publish, in a manner that is easily accessible to the public—

(A) a financial entity reference database;

(B) a financial instrument reference database; and

(C) formats and standards for reporting financial transaction and position data to the Institute.

(3) DATA TO BE COLLECTED.—Data referred to in paragraph (1)—

(A) shall include for each financial entity—

(i) comprehensive financial transaction data on a schedule determined by the Director;

(ii) comprehensive position data on a schedule determined by the Director;

(iii) for each financial instrument in the financial instrument reference database or for any other obligation of a financial entity that is contingent on the value of an observable event, where the observable event is not widely available to the public, the level and changes in the level of these observable events, on a schedule determined by the Director; and

(iv) any other data that are considered by the Director to be important for measuring and monitoring systemic risk, or for determining the soundness of individual financial entities; and

(B) may include data regarding policies and procedures, governance, incentives, compensation practices, contractual relationships, and any other information deemed by the Director to be necessary in order for the Institute to carry out its responsibilities under this Act; and

(C) the Board of Directors may, by a two-thirds vote, exclude financial entities, which, as a group, will not contribute to systemic risk for reasons such as size, nature of their assets and liabilities, volume of transactions, or other reasonable purposes, from reporting data. Notwithstanding such exclusions, financial entities shall comply with all reporting requirements or ensure that reporting requirements are met for any assets or part of their balance sheets that are sold to create a financial instrument or obligation, as described in subparagraph (A)(iii).

(4) INFORMATION SECURITY.—The Director and the Board of Directors shall ensure that data collected and maintained by the Data Center are kept secure and protected against unauthorized disclosure.

(5) CATALOGUE OF FINANCIAL ENTITIES AND INSTRUMENTS.—The Data Center shall maintain a catalogue of the financial entities and instruments reported to the Institute.

(6) AVAILABILITY TO THE FINANCIAL REGULATORY AGENCIES.—The Data Center shall make data collected and maintained by the Data Center available to any financial regulatory agency represented on the Board of Directors, as needed to support the regulatory responsibilities of such agency.

(7) OTHER RESPONSIBILITIES.—The Data Center shall oversee the management of the

data supply chain, from the point of issuance, in order to ensure the quality of all data required to be submitted to the Institute.

(8) OTHER AUTHORITY.—The Institute shall, after consultation with the Board of Directors provide certain data to financial industry participants and the general public to increase market transparency and facilitate research on the financial system, so long as intellectual property rights are not violated, business confidential information is properly protected, and the sharing of such information poses no significant threats to the financial system.

(c) FEDERAL FINANCIAL RESEARCH AND ANALYSIS CENTER.—

(1) GENERAL DUTIES.—The Research Center shall develop and maintain the independent analytical capabilities and computing resources—

(A) to measure and monitor systemic risk;

(B) to perform independent risk assessments of individual financial entities and markets;

(C) to analyze and investigate relationships between the soundness of individual financial entities and markets and the soundness of the financial system together as a whole; and

(D) to provide advice on the financial system.

(2) RESPONSIBILITIES.—The Research Center shall—

(A) develop and maintain metrics and risk reporting systems for system-wide risk;

(B) develop and maintain metrics and risk reporting systems for determining the soundness of financial entities;

(C) monitor, investigate, and report changes in system-wide risk levels and patterns to the Board of Directors and Congress, including through the collection of additional information that the Director deems necessary to understand such changes;

(D) conduct, coordinate, and sponsor research to support and improve regulation of financial entities and markets;

(E) benchmark financial risk management practices and promote best practices for financial risk management;

(F) at the direction of the Board of Directors, or any member of the Board of Directors, for firms under that member's purview, develop, oversee, and report on stress tests or other tests of the valuation and risk management systems of any of the financial entities required to report to the Institute;

(G) maintain expertise in such areas as may be necessary to support specific requests for advice and assistance from financial regulators;

(H) at the direction of the Board of Directors or at the request of Congress, conduct studies and provide advice on financial markets and products, including advice regarding risks to consumers posed by financial products and practices;

(I) at the direction of the Director, at the discretion of the Board of Directors, or at the request of Congress, investigate disruptions and failures in the financial markets, report findings, and make recommendations to the Board of Directors and Congress; and

(J) at the direction of the Board of Directors or at the request of Congress, conduct studies and provide advice on the impact of policies related to systemic risk.

(d) REPORTING RESPONSIBILITIES.—

(1) REQUIRED REPORT.—Commencing 2 years after the date of the establishment of the Institute, the Institute shall prepare and submit an annual report to Congress, not later than 120 days after the end of each fiscal year.

(2) CONTENT.—The report required by this subsection shall assess the state of the financial system, including an analysis of any threats to the financial system, the status of the Institute's efforts in meeting its mission, and key findings from its research and analysis of the financial system.

(3) ADDITIONAL REPORTS.—At the sole discretion of the Director, the Director may initiate and provide additional reports to Congress regarding the state of the financial system. The Director shall notify the Board of Directors of any additional reports provided to Congress.

SEC. 6. ADMINISTRATIVE AUTHORITIES OF THE INSTITUTE.

The Institute may—

(1) require financial entities to report all data and information in conformance with reporting standards, as determined by the Institute, that are necessary to fulfill the responsibilities of the Institute under this Act;

(2) require reporting on a worldwide basis from the financial entities and affiliates thereof that are organized in the United States;

(3) require reporting of United States-based activities by financial entities that are not organized in the United States;

(4) enforce and apply sanctions on all financial entities required to report to the Institute that fail to report data requested by and in standards, frequency, and time frames, as determined by rule or regulation by the Institute;

(5) share data and information, as well as software developed by the Institute, with other financial regulatory agencies, as determined appropriate by the Board of Directors, where the shared data and software shall be maintained with at least the same level of security as is used by the Institute, and may not be shared with any individuals or entities without the permission of the Board of Directors;

(6) purchase and lease software;

(7) sponsor and conduct research projects; and

(8) assist, on a reimbursable basis, with financial analyses undertaken at the request of governmental agencies, other than financial regulatory agencies.

SEC. 7. CIVIL PENALTIES.

Any person or entity that violates this Act or fails to comply with a rule, regulation, or order of the Institute issued under this Act shall be subject to a civil penalty in an amount established by the Institute and published in the Code of Federal Regulations. Each such violation or failure shall constitute a separate civil offense.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—CONGRATULATING THE CONCORDIA UNIVERSITY-ST. PAUL VOLLEYBALL TEAM ON WINNING THEIR THIRD CONSECUTIVE NCAA DIVISION II WOMEN'S VOLLEYBALL NATIONAL CHAMPIONSHIP

Ms. KLOBUCHAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 407

Whereas on December 5, 2009, Concordia University won the 2009 NCAA Division II Women's Volleyball National Championship;

Whereas the victory marks the third straight NCAA Division II Women's Volleyball National Championship for Concordia University;

Whereas the Concordia University program is the first in the history of Division I or II women's volleyball to win 3 consecutive National Championships;

Whereas Concordia University won the match against Western Texas A&M in 3 straight sets, capping off a perfect 37-0 season and continuing the NCAA-record 74 match win streak for Concordia University;

Whereas on November 7, 2009, Concordia University won their 7th consecutive Northern Sun Intercollegiate Conference Volleyball Championship;

Whereas with the undefeated season, head coach Brady Starkey's career record with Concordia University is 240-20;

Whereas Concordia University had 5 players named to the 2009 NCAA Women's Volleyball Championship All-Tournament Team, Maggie McNamara, Mary Slinger, Cassie Haag, Emily Palkert, and Megan Carlson; and

Whereas nearly 2000 fans attended the championship match in support of the Concordia University team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Concordia University-St. Paul volleyball team on winning their third consecutive NCAA Division II Women's Volleyball National Championship; and

(2) recognizes—

(A) the achievements of the players, coaches, students, and staff whose hard work and dedication helped Concordia University win the 2009 NCAA Division II Women's Volleyball National Championship; and

(B) Concordia University President Dr. Robert Holst and Athletic Director Tom Rubbelke, who both have shown great leadership in bringing success to Concordia University.

SENATE RESOLUTION 408—DESIGNATING FEBRUARY 3, 2010, AS ''NATIONAL WOMEN AND GIRLS IN SPORTS DAY''

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

S. RES. 408

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972 (Public Law 92–318; 86 Stat. 373);

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true