

keep it away from the shore. But No. 3, the big unknown is how much oil is underneath the surface and what is its long-term effect on the health of the gulf and on the entire ecological balance of the Gulf of Mexico and, indeed, other waters that could be affected, such as the Loop Current that turns into the gulf stream and that goes into the Atlantic.

That is the big unknown, and that is what we are asking NOAA to do. That is why I am introducing this legislation.

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

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

S. 3569

*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 "Subsea Hydrocarbon Imagery and Planning Act of 2010".

#### SEC. 2. IMPROVEMENTS TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OIL SPILL RESPONSE.

(a) SUBSEA HYDROCARBON REVIEW.—Not later than 45 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall conduct a comprehensive review of the current state of the National Oceanic and Atmospheric Administration and the capacity of the Administration to monitor, map, and track subsea hydrocarbons.

(b) ELEMENTS.—The review conducted under subsection (a) shall include the following:

(1) A review of protocol for application of dispersants that contemplates the variables of temperature, pressure, and depth of the site of release of hydrocarbons.

(2) A review of technological capabilities to detect the presence of subsea hydrocarbons at various concentrations and at various depths within a water column resulting from releases of oil and natural gas after a spill.

(3) A review of technological capabilities for expeditiously identifying the source (known as "fingerprinting") of subsea hydrocarbons.

(4) A review of coastal and ocean current modeling as it relates to predicting the trajectory of oil and natural gas.

(5) A review of the effect of subsea hydrocarbons (all concentrations including down to hydrocarbon chains in solution) on all levels of the food web, including evaluations of seafood safety, toxicity to individuals, negative impacts to reproduction, bioaccumulation, growth, and such other matters as the Under Secretary considers appropriate.

(6) Development of recommendations on priorities for improving forecasting of movement of subsea hydrocarbons.

(7) Development of recommendations for long-term remote monitoring of subsea hydrocarbons after a spill, including dissolved oxygen impacts.

(8) Development of recommendations for implementation of a Subsea Hydrocarbon Monitoring and Assessment program within the Office of Response and Restoration.

(c) PROGRAM REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall establish a hydrocarbon monitoring and assessment program. Such program shall be based on the

recommendations developed under the comprehensive review required by subsection (a).

(d) FUNDING.—Not later than 30 days after the date of the enactment of this Act, out of any funds in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Commerce to carry out the provisions of this section \$15,000,000 to remain available until expended.

#### SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 68—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE A COMMEMORATIVE POSTAGE STAMP HONORING CIVIL RIGHTS WORKERS ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER, AND THE "FREEDOM SUMMER" OF 1964, AND THAT THE CITIZENS' STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT SUCH A STAMP BE ISSUED

Mr. SCHUMER submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 68

Whereas "Freedom Summer" was a campaign in Mississippi to register African-American voters during the summer of 1964;

Whereas in 1964, most Black voters were disenfranchised by law or practice in Mississippi;

Whereas this voting rights initiative was led by the Student Nonviolent Coordinating Committee (SNCC), with the support of the Council of Federated Organizations (COFO), which included the National Association for the Advancement of Colored People (NAACP), the Congress of Racial Equality (CORE), and the Southern Christian Leadership Conference (SCLC);

Whereas thousands of students and activists participated in two week orientation sessions in preparation for the voter registration drive in Mississippi;

Whereas in 1962, at 6.7 percent of the State's Black population, Mississippi had one of the lowest percentages of Black registered voters in the country;

Whereas three civil rights volunteers lost their lives in their attempts to secure voting rights for Blacks;

Whereas Andrew Goodman was a White 20-year-old anthropology major from Queens College who volunteered for the "Freedom Summer" project;

Whereas James Chaney was a 21-year-old African-American from Meridian, Mississippi, who became a civil rights activist, joining the Congress of Racial Equality (CORE) in 1963 to work on voter registration and education;

Whereas Michael "Mickey" Schwerner was a 24-year-old White man from Brooklyn, New York, who was a CORE field secretary in Mississippi and a veteran of the civil rights movement;

Whereas on the morning of June 21, 1964, the three men left the CORE office in Meridian, Mississippi, and set out for Longdale, Mississippi, where they were to investigate

the recent burning of the Mount Zion Methodist Church, a Black church that had been functioning as a Freedom School for education and voter registration;

Whereas the three civil rights workers were beaten, shot, and killed by members of the Ku Klux Klan;

Whereas the national uproar in response to these brave men's deaths helped raise the political capital necessary to bring about passage of the Voting Rights Act of 1965; and

Whereas Andrew Goodman, James Chaney, and Michael Schwerner's story will be told to millions of Americans and their bravery will continue to inspire generations to come through the issuance of a commemorative postage stamp: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner, and the "Freedom Summer" of 1964;

(2) the stamp honoring these three men should be based upon the Congress of Racial Equality (CORE) poster from 1964, which was created by Danny Lyon, a prominent photographer of the Civil Rights movement; and

(3) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4449. Mr. WEBB (for himself, Mr. NELSON of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4450. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4451. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4452. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4453. Mr. THUNE (for himself, Mr. JOHANNIS, Mr. COBURN, Mr. ISAKSON, Mr. INHOFE, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4454. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4449.** Mr. WEBB (for himself, Mr. NELSON of Florida and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**Subtitle C—Other Relief****SEC. —. GUIDANCE ON TAX TREATMENT OF LOSSES RELATED TO TAINTED DRYWALL AS CASUALTY LOSS DEDUCTIONS.**

Not later than the due date, including extension, for filing a return of tax for taxable year 2009, the Secretary of the Treasury shall issue guidance with respect to the availability of a casualty loss deduction under section 165(c)(3) of the Internal Revenue Code of 1986 for a taxpayer who has sustained a loss due to defective or tainted drywall, including drywall imported from China.

**SA 4450.** Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 113, between lines 17 and 18, insert the following:

**SEC. 1348. SMALL BUSINESS TURNAROUND LOAN PROGRAM.**

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by section 1206 of this Act, is amended by adding at the end the following

“(36) SMALL BUSINESS TURNAROUND LOAN PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘program’ means the Turnaround Loan Program established under subparagraph (B);

“(ii) the term ‘turnaround small business concern’ means a small business concern that—

“(I) is economically distressed, as determined by the Administrator;

“(II) has a history of a positive net income;

“(III) has had recent success in the business of the small business concern; and

“(IV) has the potential to increase the business of the small business concern; and

“(iii) the term ‘Secretary’ means the Secretary of the Treasury.

“(B) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall establish a Turnaround Loan Program under which

the Administrator may guarantee the timely payment of loans made to turnaround small business concerns to address cash flow difficulties.

“(C) STANDARDS FOR SMALL BUSINESS TURNAROUND LOANS.—

“(i) IN GENERAL.—In consultation with the Secretary, the Administrator shall issue rules establishing qualifying criteria for loans guaranteed under the program.

“(ii) SPECIFIC BORROWER REQUIREMENTS.—The rules issued under clause (i) shall require a turnaround small business concern applying for a loan guaranteed under the program to submit—

“(I) a business plan that includes—

“(aa) data on the performance before the date of the application, and projections, of the turnaround small business concern;

“(bb) a detailed description of the factors that led to the economic difficulties of the turnaround small business concern;

“(cc) a discussion of how the turnaround small business concern responded to the economic difficulties; and

“(dd) a detailed description of the projected outlook for the turnaround small business concern; and

“(II) subject to clause (iii), documentation establishing—

“(aa) a history of a positive net income;

“(bb) recent success of the business of the turnaround small business concern, which shall include documentation that the turnaround small business concern has had increasing revenue for not less than the 2 consecutive quarters before the date of the application; and

“(cc) that the turnaround small business concern has had repeated and substantial difficulty in obtaining credit elsewhere.

“(iii) WAIVER AUTHORITY.—The Administrator may waive any requirement under clause (ii)(II) if the Administrator determines that the waiver is supported by mitigating factors included in the business plan submitted by a turnaround small business concern under clause (ii)(I).

“(iv) MINIMIZE ADMINISTRATIVE BURDEN.—The rules issued under clause (i) shall, to the extent practicable, minimize paperwork, minimize administrative burden on lenders and applicants, and maximize clarity in guidelines.

“(D) MAXIMUM LOAN LIMITS FOR SMALL BUSINESS TURNAROUND LOANS.—Notwithstanding paragraph (3)(A), a loan may not be guaranteed under this paragraph if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by this Act would exceed \$5,000,000.

“(E) GUARANTEES, FEES, AND COST REPAYMENT.—

“(i) GUARANTEES FOR SMALL BUSINESS TURNAROUND LOANS.—The Administrator may—

“(I) except as provided in subclause (II), guarantee not more than 95 percent of a loan under the program; and

“(II) guarantee not more than 100 percent of a loan under the program if a loan is also made to the applicant under a State other credit support program under section 3206 of the Small Business Jobs Act of 2010.

“(ii) FEES.—With respect to each loan guaranteed under the program, the Administrator shall collect no fee.

“(iii) REPAYMENT FOR UNDERWRITING COSTS.—If a turnaround small business concern makes timely payment of a loan guaranteed under the program for all of the 3-year period beginning on the date of the loan, the Administrator shall make a payment to the lender in an amount equal to 1 percent of the amount of the loan, for the cost of underwriting the loan.

“(F) SUNSET.—The Administrator may not guarantee a loan under the program after the date that is 22 months after the date of enactment of this paragraph.

“(G) FUNDING.—

“(i) SMALL BUSINESS LENDING FUND.—The Secretary may transfer from the Small Business Lending Fund established under section 3103 of the Small Business Jobs Act of 2010 to the Administrator such sums as are necessary to carry out this paragraph, which shall be available to the Administrator, without further appropriation or fiscal year limitation.

“(ii) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this paragraph.”.

**SA 4451.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

**SEC. 1137. HUBZONE DEFINITIONS.**

Section 3(p)(4)(B) of the Small Business Act (15 U.S.C. 632(p)(4)(B)) is amended—

(1) in clause (i), by striking “section 42(d)(5)(C)(ii)” and inserting “section 42(d)(5)(B)(ii)”;

(2) in clause (ii)—

(A) in subclause (II), by striking “or” at the end;

(B) in subclause (III)—

(i) by striking “section 42(d)(5)(C)(iii)” and inserting “section 42(d)(5)(B)(iii)”;

(ii) by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(IV) the population, based on the most recent census data, has decreased by not less than 10 percent since 1980.”.

**SA 4452.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

**SEC. 1137. REDESIGNATED AREAS.**

Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.