sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 2904

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2925

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. RES. 412

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 412, a resolution designating September 2010 as ''National Childhood Obesity Awareness Month''.

S. RES. 414

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 414, a resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. KAUFMAN, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 3017. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to make it a Federal offense to intimidate or threaten a witness in a State court proceeding.

This legislation I believe to be necessary based upon some very disastrous experiences in the criminal courts in Philadelphia, as evidenced by a lengthy series of articles in the Philadelphia Inquirer and a field hearing which the Judiciary Subcommittee on Crime and Drugs held in Philadelphia. What has occurred is that in many instances, witnesses are intimidated—even murdered—to prevent them from testifying.

The crime scenes in our big cities are atrocious. I spent eight years as the district attorney of Philadelphia. When I left that position, I didn't think the crime problem could be worse, but regrettably it is now, in many aspects. One of the aspects has been for the young thugs who are under accusation or friends of those who are under charge to go to the witnesses and terrify them and even murder them. During the course of the field hearing, we had two parents testify about how their children were brutally murdered.

It is a violation of State law to intimidate a witness, but making it a Federal offense imports a great deal more pressure, more power to the situation. People do not like the Federal presence, the initiation of a criminal case, the investigation by the FBI, and the treatment of the Federal courts is materially different—at least in Philadelphia—than it is in the State court proceedings.

I think this kind of legislation would be very salutary. If you don't have the integrity of the judicial process protected, it is a very sad day in the administration of justice. I introduced this legislation on behalf of Senator SCHUMER, Senator KLOBUCHAR, and Senator KAUFMAN.

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

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

Mr. SPECTER. Mr. President, I have sought recognition to introduce the State Witness Protection Act of 2010. I am joined on this legislation by Senators Kaufman, Schumer and Klobuchar as original cosponsors.

As reported by the Philadelphia Inquirer on December 14, 2009, ''[p]rosecutors, detectives, and even some defense attorneys say witness fear has become an unspoken factor in virtually every court case involving violent crime in Philadelphia. Reluctant or terrified witnesses routinely fail to appear in court, and when they do, they often recant their earlier testimony or statement to police.''

One Philadelphia Assistant District Attorney is quoted in the article saying that at least one witness in every murder trial recants. As a result, Assistant District Attorneys learn to ''lock in'' witness testimony early with signed statements and testimony under oath, and are expert in cross-examining witnesses who ''go south.'' At times, the prosecutors are forced to lock up witnesses on material witness warrants to assure their appearance at trial.

In Philadelphia between 2006 and 2008, the District Attorney's Office filed witness intimidation charges against approximately 1,000 individuals. Their conviction rate on these charges, however, is only 28%.

Witness intimidation and violent crime are problems that I have worked on for decades, since I was an Assistant District Attorney and later District Attorney in Philadelphia, and on the Judiciary Committee, where I have served since 1981 when I was sworn in.

Criminal trials cannot proceed unless there are witnesses, and if witnesses are subject to intimidation or even worse, murdered, criminal cases cannot go forward. And unless witnesses can be assured they will be protected, the problem of witness intimidation cannot be expected to go away.

Philadelphia's witness intimidation problems are similar to those faced by many communities in our country. A recent Op-Ed in the Chicago Tribune stated that witnesses often want to cooperate with police, but the risk of retribution is too great. The article posed the following question ''What would happen if we diminished the risk and created a greater sense of assurance that the law would do its job in actually making the streets safe as well as protecting those who decide to turn killers in?''

On January 8, 2010, I chaired a field hearing in Philadelphia for the Senate Judiciary Subcommittee on Crime and Drugs on witness intimidation to explore how law enforcement can better protect witnesses. Two parents—each who lost a child to gun violence—testified. Barbara Clowden told us that her son Eric Hayes, 17 years old, was killed just two days before he was to testify in an arson trial in Philadelphia. Because Eric's life had been threatened, in January 2006 his family entered into the city's witness relocation program. Eventually the money from the program ran out and they had to relocate to Northeast Philadelphia where Eric was murdered. No one to date has been convicted of Eric's murder.

Ted Canada is a Philadelphia resident and SEPTA bus driver. In 2005, his son Lamar Canada was shot 12 times and killed by Dominick Peoples and another unidentified shooter in Philadelphia over a gambling debt. One witness to the shooting, Johnta Gravitt, 17 years old, was murdered 10 days after he testified at the preliminary hearing and identified Peoples as one of the shooters. Another witness initially cooperated but after his statement to the police was publicly posted in his neighborhood identifying him as a ''snitch,'' he recanted. Peoples, nevertheless, was convicted.

The most notorious example of witness intimidation in Philadelphia involves Kaboni Savage, a drug kingpin who was federally indicted last April on racketeering and murder charges for retaliating against his former drug associate, Eugene Coleman. Coleman had agreed to testify against Savage in a federal trial. The federal charges allege that to retaliate for this, Savage orchestrated the firebombing of Coleman's family home on the 3200 block of North 6th Street in Philadelphia during the early morning hours of October 9, 2004. Killed in the fire were Coleman's mother, Marcella Coleman (age 54); Coleman's infant son, Damir Jenkins (15 months old); Marcella Coleman's niece, Tameka Nash (age 34), and her daughter, Khadjah Nash (age 10); Marcella Coleman's grandson, Tahj Porchea (age 12); and a family friend, Sean Rodriguez (age 15). In a conversation secretly recorded by court authorized wiretaps, Savage explained how witness intimidation works, ''Without the witnesses, you don't have no case . . . No witness, no crime.''

The witness intimidation problem is exacerbated by internet sites, such as whosarat.com, which expose the identities of witnesses and government informants. Gang members and criminals are becoming more computer savvy. They use the internet to find out who may be a cooperating witness by accessing public court dockets. They also access other sites to locate these individuals. With this information obtained anonymously through the internet, gang members and other criminals can easily threaten or harm witnesses, as well as their family members.

It is imperative that we find a way to make people feel safe if they step forward and provide information to law enforcement. As Philadelphia Police Commissioner Charles H. Ramsey testified at the Subcommittee hearing, ''the only way we're going to deal with crime in communities is when the community steps forward, but they have to feel comfortable in doing so and know they have support.''

To better protect state witnesses from witness tampering and witness retaliation, I am introducing today The State Witness Protection Act of 2010, a bill that ensures that state witnesses will receive the same protections

from actions of intimidation and retaliation as federal witnesses have under federal law. Making this a federal offense and bringing in the FBI to investigate, as Commissioner Ramsey testified, ''would make a tremendous difference and make people think twice before they'' engaged in witness intimidation He explained it this way—

I just think the whole environment or atmosphere when you go into a Federal court versus a local court is just somewhat different, and they [defendants] haven't been exposed to it that often. I just think it has an impact in the feedback I've gotten from people on both sides, whether it's another law enforcement agency or from a person who's been in the criminal justice system. They do not want to go into Federal court. (Tr. At 16).

The bill, which tracks the language of 18 U.S.C. §§1512 and 1513, provides the same penalties as now provided in federal court for witness tampering in state court proceedings. For state court proceedings, the bill makes it a federal offense to kill, physically harm, threaten to physically harm, harass, or intimidate, or offer anything of value to, a state court witness or victim if done—

with the intent to influence another person's testimony;

with the intent to induce another to withhold testimony or records, alter or destroy evidence, evade legal process, or be absent from a state proceeding if that person has been summoned by legal process;

with the intent to hinder or prevent a person from providing information to law enforcement; or

with the intent to retaliate against anyone for being a witness or providing testimony or information to law enforcement.

Federal jurisdiction is established by prosecuting only cases where there are communications in furtherance of the offense by mail, interstate or foreign commerce by any means, including computer, interstate or foreign travel in furtherance of the commission of the offense, or the use of weapons which have been shipped or transported across state lines. Any attempt or conspiracy to commit these same offenses is also illegal and subject to the same penalties. And finally, the bill provides for specific guideline enhancements for all obstruction offenses.

The message must be sent loud and clear that serious penalties will be imposed on those who dare to attempt to obstruct justice in our country. The ''State Witness Protection Act of 2010'' is a strong means of delivering that necessary message.

S. 3017

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 ''State Witness Protection Act of 2010''.

SEC. 2. PROTECTION OF STATE AND LOCAL WITNESSES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''§1522. State and local witness tampering and retaliation

''(a) DEFINITIONS.—In this section—

''(1) the term 'State official proceeding' means a proceeding before a judge or court of a State or political subdivision thereof; and

''(2) the term 'physical force' has the meaning given the term in section 1515.

''(b) TAMPERING AND RETALIATION.—It shall be unlawful, in a circumstance described in subsection (c), for a person to kill, attempt to kill, use physical force or the threat of physical force against, harass, intimidate or attempt to intimidate, or offer anything of value to, another individual, with the intent to—

''(1) influence, delay, or prevent the testimony or attendance of any person in a State official proceeding;

''(2) prevent the production of a record, document, or other object, in a State official proceeding;

''(3) cause or induce any person to—

''(A) withhold testimony, or withhold a record, document, or other object from a State official proceeding;

''(B) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in a State official proceeding;

''(C) evade legal process summoning that person to appear as a witness, or to produce a record, document or other object in a State official proceeding; or

''(D) be absent from a State official proceeding to which that person has been summoned by legal process;

''(4) hinder, delay, or prevent the communication by any person to a law enforcement officer or judge of a State, or political subdivision thereof, of information relating to the violation or possible violation of a law of a State or political subdivision thereof, or a violation of conditions of probation, parole, or release pending judicial proceedings; or

''(5) retaliate against any person for—

''(A) the attendance of a witness or party at a State official proceeding, or any testimony given or any record, document, or other object produced by a witness in a State official proceeding; or

''(B) providing to a law enforcement officer any information relating to the violation or possible violation of a law of a State or political subdivision thereof, or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings.

''(c) CIRCUMSTANCES.—A circumstance described in this subsection is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any person travels or is transported in interstate or foreign commerce in the course of the commission of or in furtherance of the commission of the offense; or

''(3) any weapon, including a firearm, shipped or transported across State lines or in interstate or foreign commerce is used in committing or in furtherance of the commission of the offense.

''(d) PENALTIES.—

''(1) IN GENERAL.—Any person that violates this section—

''(A) in the case of a killing, shall be punished as provided under sections 1111 and 1112;

''(B) in the case of an attempt to murder, or the use or attempted use of physical force against any person, shall be fined under this title, or imprisoned for not more than 30 years, or both; and

''(C) in the case of any other violation of this section, shall be fined under this title, imprisoned for not more than 20 years, or both.

''(2) EXCEPTION.—If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment that may be imposed for the offense shall be the higher of—

''(A) the penalty described in paragraph (1); or

''(B) the maximum term that could have been imposed for any offense charged in the criminal case.

''(3) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

''(e) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution under this section, which the defendant shall prove by a preponderance of the evidence, that the conduct committed by the defendant—

''(1) consisted solely of lawful conduct; and

''(2) that the sole intention of the defendant was to encourage, induce, or cause the other person to testify truthfully.

''(f) PENDING PROCEEDING; EVIDENTIARY VALUE.—For the purposes of this section—

''(1) a State official proceeding need not be pending or about to be instituted at the time of the offense; and

''(2) the testimony, or the record, document, or other object obstructed, tampered, or retaliated against by the defendant need not be admissible in evidence or free of a claim of privilege.

''(g) INTENT.—In a prosecution for an offense under this section, the state of mind need not be proved with respect to—

''(1) a State official proceeding before a judge, court, magistrate judge, or grand jury being before a judge or court of a State or political subdivision thereof;

''(2) a judge being a judge of a State or political subdivision thereof; or

''(3) a law enforcement officer being an officer or employee of the State or political subdivision thereof.

''(h) VENUE.—A prosecution brought under this section may be brought—

''(1) in the district in which the State official proceeding (whether or not pending or about to be instituted) was intended to be affected; or

''(2) in the district which the conduct constituting the alleged offense occurred.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''1522. State and local witness tampering and retaliation.''.

SEC. 3. SENTENCING GUIDELINES ENHANCEMENT.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to increase the guideline range for Obstruction of Justice, §2J1.2, as follows—

(1) by 2 levels if the defendant threatened or harmed 1 or more individuals on more than 1 occasion;

(2) by 2 levels if the defendant accepted or paid a bribe or payoff as part of a scheme to obstruct justice;

(3) by 2 levels if the defendant destroyed or caused the destruction of documents on a computer; and

(4) by 6 levels if the offense resulted in substantial interference with the administration of justice.

By Mr. LIEBERMAN (for himself, Mr. SCHUMER, Mr. MERKLEY, and Mrs. GILLIBRAND):

S. 3019. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of

the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

Mr. LIEBERMAN. Mr. President, I rise to speak about the Help Find the Missing Act, otherwise known as Billy's Law, which I am introducing today along with my colleagues, Senators SCHUMER, GILLIBRAND and MERKLEY.

I was introduced to the issues Billy's Law addresses by two of my constituents, Jan and Bill Smolinski, who have lived through a parent's worst nightmare: the disappearance of their son.

On the afternoon of August 24, 2004, then-31-year-old Billy Smolinski disappeared without a trace. He left behind a dog he loved and his brandnew house; a truck with his keys and wallet still inside; and parents who have spent every day since searching for him and praying for his return. One moment he was there, asking his neighbors to look after his dog for a few days, and the next he was gone without explanation.

Jan and Bill Smolinski have spent countless hours working with law enforcement to try to find Billy. Through that experience, they discovered that we do a poor job managing data about missing adults. The bill we are introducing today will help correct those shortcomings so that families in similar situations can focus only on their missing loved ones and not have to worry that their agony will be prolonged simply because we fail to keep track of—and share—critical identifying data.

Billy's Law does three things: It facilitates the sharing of data about missing people between agencies; it requires law enforcement to compile and track missing persons data that is not currently being collected consistently; and it provides funding to improve, monitor, and maintain that data.

It is my hope that no parent will ever have to experience what Jan and Bill Smolinski are going through, and, as a parent, my heart truly goes out to them. Passing Billy's Law will help give families of missing adults confidence that we are doing everything we can to carefully track the information necessary to locate their loved ones.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BOND, and Mr. MERKLEY):

S. 3020. A bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, along with Senators LANDRIEU, BOND, and MERKLEY to introduce the Historically Underutilized Business Zone, HUBZone, Improvement Act of 2010. This vital piece of bipartisan legislation is similar to that which I introduced in the 110th Congress, S. 3699. The purpose of the bill is to help ensure that only eligible firms participate in the critical HUBZone program by requiring that the Small Business Administration, SBA, implement Government Accountability Office, GAO, recommendations for improving the management, oversight and evaluation of the program.

As former Chair and now Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have long championed critical small business programs such as the HUBZone program, which provides Federal contracting opportunities to small firms located in economically distressed areas.

The program is devised to help stimulate economic development and job creation. In these troubled economic times, a properly functioning HUBZone program is essential for nation-wide economic recovery. According to the SBA, as of October 2009, 21,222 certified businesses have participated in the HUBZone program since its inception in 1997. In fiscal year 2008, HUBZone firms were awarded approximately $10.1 billion in Federal contracts. And let there be no doubt—with the Federal Government contracting for over $500 billion in goods and services in fiscal year 2009 alone—we must have a robust and trustworthy HUBZone program for small businesses to continue generating jobs in our nation's most economically distressed communities.

The GAO has issued multiple reports detailing fraud and abuses within the HUBZone program. Alarmingly, the GAO found that the mechanisms the SBA uses to certify and monitor HUBZone firms provide limited assurance that only eligible firms participate in the program. The GAO specifically stated that the ''SBA's control weaknesses exposed the government to fraud and abuse.'' The GAO also had concerns that the SBA had no mechanisms to adequately assess program results.

The legislation I am introducing today would take immediate steps to rectify the serious issues that GAO found. The bill requires the SBA to implement the GAO recommendations resulting from the study and audits. These include maintaining an accurate, correct and up-to-date map; implementing policies that ensure that only eligible firms participate in the program; employing appropriate technology to control costs and maximize other benefits, such as uniformity, completeness, simplification and efficiency; notifying the Congressional Small Business Committees of any backlogs in applications and recertifications with plans and timetables for eliminating the backlogs; and implementing plans to assess the effectiveness of the HUBZone program.

Moreover, the Federal Government must strive to continue to provide maximum practicable contracting opportunities to those who are legitimate HUBZone firms. I am dismayed by the myriad ways that government departments and agencies have time and again egregiously failed to meet most of their statutory small business contracting goals. I am alarmed that only one Federal small business contracting program—the Small Disadvantaged Business program—has met its statutory goal, and that the three other small business goaling programs have all fallen drastically short. In fiscal year 2008, the Federal Government met only 2.34 percent of its 3 percent government-wide goal for the HUBZone program. Even worse, the Federal Government missed meeting its overall goal for small business contracting by almost 2 percent, depriving small businesses of over $10 billion.

I am confident that this legislation will require the changes necessary to eliminate fraud while paving the way for the Federal Government to maximize the use of this contracting vehicle. In turn, qualified HUBZone firms will provide the essential job creation and economic development necessary in their respective communities. The HUBZone program is a tremendous tool for replacing lost jobs across all industry sectors in distressed geographic areas, and clearly, this program should be better utilized.

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. 3020

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 ''HUBZone Improvement 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 terms ''HUBZone'' and ''HUBZone small business concern'' and ''HUBZone map'' have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(3) the term ''recertification'' means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 3. PURPOSE; FINDINGS.

(a) PURPOSE.—The purpose of this Act is to reform and improve the HUBZone program of the Administration.

(b) FINDINGS.—Congress finds that—

(1) the HUBZone program was established under the HUBZone Act of 1997 (Public Law 105–135; 111 Stat. 2627) to stimulate economic development through increased employment and capital investment by providing Federal contracting preferences to small business concerns in those areas, including inner cities and rural counties, that have low household incomes, high unemployment, and suffered from a lack of investment; and

(2) according to the Government Accountability Office, the weakness in the oversight

of the HUBZone program by the Administration has exposed the Government to fraud and abuse.

SEC. 4. HUBZONE IMPROVEMENTS.

The Administrator shall—

(1) ensure the HUBZone map—

(A) is accurate and up-to date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) 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 any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

SEC. 5. EMPLOYMENT PERCENTAGE.

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

(1) in paragraph (5), by adding at the end the following:

''(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

''(i) DEFINITION.—In this subparagraph, the term 'interim period' means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

''(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

''(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

''(II) does not meet the applicable employment percentage—

''(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

''(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.''; and

(2) by adding at the end the following:

''(8) HUBZONE PROGRAM.—The term 'HUBZone program' means the program established under section 31.

''(9) HUBZONE MAP.—The term 'HUBZone map' means the map used by the Administration to identify HUBZones.''.

SEC. 6. 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''.

By Mr. FEINGOLD (for himself and Mr. ENSIGN):

S. 3021. A bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to promulgate regulations to allow electric utilities to use renewable energy to comply with any Federal renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am introducing the Support Renewable Energy Act of 2010 with my colleague, Senator ENSIGN. This bill would modify the Renewable Electricity Standard currently drafted in the American Clean Energy Leadership Act to ensure that all forms of renewable energy qualify.

I am pleased that the Senate is again considering the implementation of a Renewable Electricity Standard that will encourage the development and deployment of new and existing renewable energy technologies. However, as the proposed Renewable Electricity Standard is currently drafted, only electricity-producing renewable technologies would qualify. This would exclude direct use renewable energy technologies that displace the need for electricity, rather than produce electricity.

Our legislation would modify the definition of renewable energy as it applies to the draft Renewable Electricity Standard to include customer-sited renewable energy equipment. Specific examples of these direct use technologies are solar water heating, solar space heating and cooling, solar daylight and light-pipe technology, biogas, and ground source geothermal heat pumps. These technologies can be used in homes and businesses to provide light, heating, and cooling directly—without the need for electricity from the grid. This legislation will allow utilities to generate renewable energy credits equal to the electricity or thermal energy displaced by direct use renewable energy technologies in order to meet a Renewable Electricity Standard.

In addition to the reduced stress on our overburdened electricity transmission grid, the incentivized production and installation of these renewable technologies would spur the growth of green, sustainable jobs. One example of the potential for job creation was provided to me by Orion Energy Systems in my home State of Wisconsin. Orion manufactures light-pipes, which captures natural light on a roof and transfers that light through a pipe to a ceiling, where it is diffused to light a room, like a traditional light bulb. Because light pipes uses solar energy directly to produce light, rather than generate electricity, this innovative technology would not qualify as renewable energy under the draft Renewable Electricity Standard.

Orion has already retrofitted approximately 5,000 facilities with improved lighting technology nationwide. With about 400 lighting fixtures on average, if these same facilities decided to upgrade to the light-pipe technology it would take between 6 million and 10 million man-hours to install. These would be jobs for roofers and carpenters at a time when the construction industry is badly in need of work.

Direct use renewable energy technologies have significant environmental benefits. The energy savings from retrofitting these facilities with the light-pipe would amount to a savings of between 915 and 1,934 gigawatts of electricity per year, which amounts to the energy equivalent of 343 to 725 million tons of coal that would not have to be burned, avoiding the release of between 0.6 and 1.28 million tons of carbon dioxide from entering the atmosphere. In addition, the users of this technology will save money on their electric bill, which could then be used for other things, like hiring new employees or increasing salaries.

This is just one company and one of the many technologies that would qualify for the expanded Renewable Electricity Standard under our legislation. This is clearly a win-win-win situation for jobs, the facilities that install the technologies and save on energy costs, and for the environment.

Direct use renewable energy technology is cost-effective, can be deployed locally, requires no new transmission infrastructure, and can be utilized in areas throughout the country that cannot sustain a commercial-scale power generation facility from other renewable energy sources. Furthermore, it will create much needed American jobs in both manufacturing and construction. I encourage my colleagues to support the Support Renewable Energy Act of 2010.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. DURBIN, Mr. BAYH, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. THUNE, Mr. CASEY, Mr. CORNYN, Ms. COLLINS, Mr. KAUFMAN, Mr. VITTER, Mr. BROWNBACK, and Mr. LEVIN):

S. 3022. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MCCAIN. Mr. President, February 11, 2010, was the 31st anniversary of the Islamic Republic of Iran. For most Iranians, the Islamic Republic is the only government they have ever known, and unfortunately, it is a record that many would rather forget—

31 years of economic potential lost and the resources of a great and proud nation stolen by a corrupt ruling elite; 31 years of a regime that puts its own selfish interests and those of foreign terrorist groups ahead of the needs of the Iranian people; 31 years of justice denied, freedom curtailed, and dignity trampled.

In recent months, the world has watched in awe as hundreds of thousands of Iranians have said ''enough,'' and demanded better for themselves. They have taken to the streets and the Internet, risking the violent reprisal of a regime without conscience, in order to insist on their universal human rights. In television news clips and YouTube videos, in Twitter updates and countless online exchanges, the world has seen the naked oppression of the Iranian regime and its masked agents.

We have watched as peaceful Iranian demonstrators for human rights have been beaten, and shot—even murdered—in the streets of cities across Iran.

We have watched as Iranian men and women—many not more than young boys and girls—have been rounded up in their homes and dormitories, and hauled away unlawfully to face torture and other abuses in the darkest corners of the country, where the eyes of the international community struggle to see.

Just a few months ago, we watched as a young woman named Neda was shot in broad daylight by agents of the Iranian government. And as that young woman bled to death in the street, it became clear to me and many others that this was the beginning of the end of the Islamic Republic. After 31 years, that day cannot come soon enough, but how and when it does is up to the Iranian people.

This struggle continues in Iran. On February 11, many Iranians took to the streets again to demonstrate peacefully for freedom and justice. Again, many were beaten. Again, many were detained unlawfully. Again, many were no doubt tortured—and worse. The world has watched these abuses long enough. Now the world must act. It is long past time for democratic, law-abiding nations to stand up together, to speak with one voice, and to show these courageous Iranian human rights advocates that the free world is on their side. The recent statement between the U.S. and the European Union supporting human rights in Iran is a welcome development, and I hope to see more and more such joint actions.

It is also long past time for the U.N. Security Council to impose the crippling sanctions on the Iranian government that have been promised for so long. As that negotiation drags on, individual countries should not refrain from taking their own individual actions to impose pressure on the rulers of Iran for failing to abide by their own international agreements, both security agreements and human rights agreements. In that vein, I was pleased to see the White House recently announce a new set of sanctions against four Iranian entities and one individual active in Iran's nuclear program. I hope there is a lot more where that came from.

I do not wish, however, to confine our sanctions effort only to those persons in Iran who threaten our security and that of our allies, either through their support for terrorism or Iran's weapons programs. I also want to bring the full force of America's economic power to bear against those in Iran who threaten that country's peaceful human rights and democracy activists. That is why, just a few weeks ago, I sought to introduce an amendment to the Comprehensive Iran Sanctions, Accountability, and Divestment Act, which would impose targeted sanctions on persons in Iran who violate the human rights of their fellow citizens.

Building on that earlier effort, today I am introducing, together with my good friend and colleague Senator JOE LIEBERMAN, the Iran Human Rights Sanctions Act, which is co-sponsored by a broad bipartisan group of U.S. Senators.

This bill has two parts.

First, it would require the President to compile a public list of individuals in Iran who, starting with the presidential election last June, are complicit in human rights violations against Iranian citizens and their families, no matter where in the world those abuses occur. I want to stress: This would be a public list, posted for all the world to see on the websites of the State and Treasury Departments. We will shine a light on the names of Iran's human rights abusers, and we will make them famous for their crimes.

Second, this bill would then ban these Iranian individuals from receiving U.S. visas, and impose on them the full battery of sanctions under the International Emergency Economic Powers Act. That means, freezing any assets and blocking any property they hold under U.S. jurisdiction, and ending all their financial transactions with U.S. banks and other entities. If passed into law, this would be the first time the U.S. Government has ever imposed punitive measures against persons in Iran because of their human rights violations.

In short, under this bill, Iranian human rights abusers would be completely cut off from the global reach of the U.S. financial system, and that would send a powerful signal to every country, company, and bank in the world that they should think twice about doing business with the oppressors of the Iranian people.

Over the past year, the President has made every effort to extend a hand to the Iranian government—to seek to overcome 31 years of painful history, and to search for common ground on matters of common interest. Unfortunately, the President's generosity has been met defiantly, again and again, with the clenched fist of Iran's rulers—a fist that is increasingly stained with the blood of the Iranian people. It should now be clear that the Iranian regime has no desire to meet its international responsibilities and every desire to use all the tools of violence and repression at its disposal to crush the peaceful aspirations of Iran's citizens.

Faced with this disturbing reality, America must lead an international effort to support the human rights of the Iranian people, and to put that effort at the center of our policy toward Iran. We must encourage our international partners, especially our European allies, to do the same, and to impose their own targeted sanctions on Iran's human rights abusers. This is not about picking winners in an internal Iranian matter. It is about standing up for the universal values we hold dear, and championing the cause of all who seek to secure those values for themselves.

The Iran Human Rights Sanctions Act is an important start of this effort, and I encourage my colleagues in Congress to move quickly and pass it into law.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 3024. A bill to ensure that the creation of jobs by small businesses is considered during the Federal legislative and rulemaking process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, I rise today, with my colleague Senator PRYOR, to introduce the Job Impact Analysis Act of 2010, a bipartisan measure that will help ensure that the Federal Government—both Congress and agencies of the executive branch—fully considers small business job creation in the bills we pass here in Congress and in the rules and regulations that agencies promulgate.

As the former Chair and now Ranking member of the Senate Committee on Small Business and Entrepreneurship, I believe there is no more urgent imperative than job creation in our country. With 25,000 additional unemployed in my State of Maine alone, since the recession began in 2007, and twenty-three million Americans unemployed or underemployed, it is more paramount than ever that everything we do must focus like a laser on jumpstarting our economy. Furthermore, the fastest route to recovery runs through Main Street small businesses, which over the past 15 years have generated 64 percent of all net new jobs in this country, and so we must foster an entrepreneurial environment where small businesses can take risks and invest in the future to preserve and create more jobs.

The legislation we are introducing today would help make sure that in whatever measure we are debating—whether it be health care reform, a jobs

bill, or financial services overhaul—that we strive to discern whether it contributes to creating a climate in which our smallest enterprises and entrepreneurs cannot only survive, but thrive. It would amend the Congressional Budget and Impoundment Control Act of 1974 to direct the Congressional Budget Office, CBO, to the extent practicable, to estimate in a ''job impact statement'' the potential job creation or job loss attributable to each bill or joint resolution reported by a congressional committee that exceeds $5 billion in costs. For years we have had environmental impact statements, and so in 2010, I do not think it is too much to ask, where are the job impact statements?

As our Nation continues to reel from the worst set of economic circumstances since World War II, Congress must focus on job creation, and we must begin by ensuring all economic factors—including potential small business job creation and job loss—are fully considered in debate of every bill that we consider in the Senate. It is clear that Washington has ignored the will of the people for far too long. At a time when the Nation is struggling to dig out of the deepest recession since the Great Depression, we must ensure that our country once again brings to bear the kind of ingenuity, creativity, and innovation that made America and our free-market economy the greatest and most powerful on earth. I believe that a job impact statement attached to every bill with costs over $5 billion would provide a powerful incentive for Congress to focus its efforts where they belong and help Congress focus on what matters to the American people these days—job creation.

In addition, onerous regulations are crushing the entrepreneurial spirit of America's small businesses. In 2009, there were close to 70,000 pages in the Federal Register, which chronicles new regulations by the government. Furthermore, according to research by the Small Business Administration's, SBA's, Office of Advocacy, the annual cost of Federal regulations totals $1.1 trillion, and small firms bear a disproportionate burden, paying approximately 45 percent more per employee in annual regulatory compliance costs than larger firms. Small firms also spend twice as much on tax compliance than their larger counterparts.

So our legislation includes several targeted regulatory reforms that would help to ensure that Federal agencies fully consider small business implications during the rulemaking process. The reforms in our bill are based on what we introduced in the Regulatory Flexibility Reform Act in the 109th Congress and the Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008, from the 110th Congress. Most of these reforms have been supported by a host of small business stakeholders, including the U.S. Chamber of Commerce, the National Federation of Independent Business, the National Small Business Association, the National Association for the Self-Employed, Women Impacting Public Policy, the National Black Chamber of Commerce, Small Business Legislative Council, and the U.S. Hispanic Chamber of Commerce.

Our measure would amend the Regulatory Flexibility Act, RFA, the seminal legislation, enacted in 1980, which requires agencies to consider the impact of their regulatory proposals on small businesses, to analyze effective alternatives that minimize small business impact, and to make their analyses available for public comment. The RFA requires federal agencies to conduct a small business analysis any time a proposed Federal rule would impose a ''significant impact on a substantial number of small businesses.'' Unfortunately, there remain a number of loopholes in the RFA that undermine its effectiveness in reducing these regulatory burdens.

Our legislation would close loopholes in this process, while also ensuring that Federal agencies consider potential job creation and job loss during the rulemaking process. In far too many cases, Federal agencies promulgate rules and regulations without adequately addressing the economic impact on small businesses. Under our legislation agencies must consider the ''indirect'' effects of an ''economic impact.'' Rules with indirect effects are currently exempt from RFA coverage according to well-established case law. This has serious consequences for small businesses. It means that Federal agencies can avoid the various analyses required under the RFA by either requiring the states to regulate small entities or regulating an industry so rigorously that it has a negative trickle down impact on other industries. For example, rules can regulate a handful of large manufacturers in the same industry. Yet, a foreseeable, indirect effect of these rules—not presently considered under RFA analyses—is that small distributors would no longer have the right to sell the product produced by the larger manufacturers.

The RFA has already saved billions of dollars for small businesses by forcing government regulators to be sensitive to their direct impact on small firms. If billions of dollars can be filtered out of direct regulatory mandates upon small business while improving workplace safety and environmental conditions, even more can be saved by filtering out unnecessary or duplicative costs to those small businesses indirectly impacted by regulation. Those dollars would be better spent by the businesses hiring more employees or providing existing employees with greater benefits, and would also help to prevent unintended job loss through regulatory requirements.

Our legislation also requires Federal agencies to consider comments provided by the SBA's Office of Advocacy, which has historically not received the public attention it deserves. In case after case, it has been the last, best hope for small businesses faced with burdensome, duplicative and nonsensical Federal regulations. Our legislation would also amend the RFA to include a provision for agencies to specifically respond to comments filed by the Chief Counsel for Advocacy. Codifying this necessary change would ensure that agencies give the proper deference to the Office of Advocacy, and to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

In addition, our measure would also clarify the circumstances for when ''periodic review'' under the RFA is required. Many questions have arisen as a result of ambiguous language in the RFA that has caused some confusion as to what rules require periodic review, and when. Under our bill, periodic review, with a focus on potential job creation or job loss, would be required for all final rules that would impose a significant impact on a substantial number of small businesses. Agencies would be required to review all 10-year-old rules every year to avoid confusion over which rules to review. In addition, agencies would be required to review rules every 10 years and not just the first 10 years.

Finally, our bill would ensure the statutory and budgetary independence of the SBA Office of Advocacy, a key office that is intended to be the independent voice for small business within the Federal Government. It is charged with the duty of representing the views and interests of small businesses before other Federal agencies, and developing proposals for changing government policies to help small businesses. These roles can sometimes come into conflict.

Our bill would resolve such conflicts in favor of the small businesses that rely on the Chief Counsel and the Office of Advocacy to be a fully independent advocate within the Executive Branch. The bill would help to reinforce a clear mandate that the Office of Advocacy must fight on behalf of small businesses, regardless of the position taken on critical issues by the administration. Funding for the Office of Advocacy currently comes from the ''Salaries and Expense Account'' of the SBA's budget. Staffing is allocated by the SBA Administrator to the Office of Advocacy from the overall staff allocation for the Agency. In 1990, there were 70 full-time employees working on behalf of small businesses in the Office of Advocacy. Today, there are fewer than 50. The independence and effectiveness of the Office is potentially diminished when the Office of Advocacy staff is reduced, at the discretion of the administrator.

To address this problem, our legislation would build a firewall to minimize political intrusion into the management of day-to-day operations of the

Office of Advocacy similar to the one that protects Inspectors General in other agencies. The bill would require the Federal budget to include a separate account for the Office of Advocacy drawn directly from the General Fund of the Treasury. No longer would its funds come from the general operating account of the SBA. This will free the Chief Counsel for Advocacy from having to seek approval from the SBA Administrator to hire staff for the Office of Advocacy.

Our bill would leave unchanged current law that allows the Chief Counsel to hire individuals critical to the mission of the Office of Advocacy without going through the normal competitive procedures directed by Federal law and the Office of Personnel Management. This long-standing special hiring authority, which is limited only to employees within the Office of Advocacy, is beneficial because it allows the Chief Counsel to hire quickly those persons who can best assist the Office in responding to changing issues and problems confronting small businesses.

This non-controversial, bipartisan legislation is absolutely necessary. I urge my colleagues to support my bill so we can ensure that our Nation's small businesses and their employees are provided with much needed relief.

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. 3024

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 ''Job Impact Analysis Act of 2010''.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals $1,100,000,000,000. Small firms bear a disproportionate burden, paying approximately 45 percent, or $7,647, more per employee than larger firms in annual regulatory compliance costs.

(6) The Federal Government should fully consider the costs, including indirect economic impacts and the potential for job creation and job loss, of proposed rules.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job creation or job loss.

(8) To the maximum extent practicable, the Director of the Congressional Budget Office should, in certain estimates the Director prepares with respect to bills or joint resolutions reported by congressional committees, estimate the potential job creation or job loss attributable to the bills or joint resolutions.

SEC. 3. JOB IMPACT STATEMENT FOR REPORTED BILLS AND JOINT RESOLUTIONS.

Section 424 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658c) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) if the Director estimates that the total amount of direct costs of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in State, local, and tribal governments as a result of the mandates.''; and

(2) in subsection (b)(2)—

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

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

(C) by adding at the end the following:

''(C) if the Director estimates that the total amount of direct costs of all Federal private sector mandates in the bill or joint resolution will equal or exceed $5,000,000,000 (adjusted annually for inflation), to the extent practicable, the potential job creation or job loss in the private sector as a result of the mandates.''.

SEC. 4. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking ''RECORDKEEPING REQUIREMENT.—The'' and inserting ''the''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect of the rule on small entities; and

''(B) any indirect economic effect on small entities, including potential job creation or job loss, that is reasonably foreseeable and that results from the rule, without regard to whether small entities are directly regulated by the rule.''.

SEC. 5. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job creation and employment by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.''; and

(2) by adding at the end the following:

''(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

''(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting ''detailed'' before ''description'' each place it appears;

(B) in paragraph (1), by striking ''succinct'';

(C) in paragraph (2)—

(i) by striking ''summary'' each place it appears and inserting ''statement''; and

(ii) by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis'';

(D) in paragraph (3), by striking ''an explanation'' and inserting ''a detailed explanation'';

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(F) by inserting after paragraph (2) the following:

''(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;''.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall—

''(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

''(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement.''.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by striking ''statement providing the factual'' and inserting ''detailed statement providing the factual and legal''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job creation or job loss, and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 6. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of the Job Impact Analysis Act of 2010, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities). Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the Web site of the agency.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Job Impact Analysis Act of 2010 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Job Impact Analysis Act of 2010 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

''(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

''(d) In reviewing rules under such plan, the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints received by the agency from small entities concerning the rule;

''(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

''(4) the complexity of the rule;

''(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

''(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);

''(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

''(8) the current impact of the rule, including—

''(A) the estimated number of small entities to which the rule will apply;

''(B) the estimated number of small business jobs that will be lost or created by the rule; and

''(C) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

''(i) an estimate of the classes of small entities that will be subject to the requirement; and

''(ii) the type of professional skills necessary for preparation of the report or record.

''(e) The agency shall publish in the Federal Register and on the Web site of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 7. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.''.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

''(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.''.

SEC. 8. CLERICAL AMENDMENTS.

(a) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.''; and

(2) by striking the item relating to section 607 and inserting the following:

''607. Quantification requirements.''.

By Mr. MERKLEY:

S. 3025. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and restore the water quality of the Columbia River Basin, and for other purposes; to the Committee on Environment and Public Works.

Mr. MERKLEY. 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. 3025

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 ''Columbia River Restoration Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Columbia River is the largest river in the Pacific Northwest and the fourth largest river in the United States by volume. The river is 1,243 miles long, and its drainage basin includes 259,000 square miles, extending into 7 States and British Columbia, Canada, and including all or part of 5 national parks,

the Columbia River Gorge National Scenic Area, and the Hells Canyon National Recreation Area.

(2) The Columbia River Basin and its tributaries provide significant ecological and economic benefits to the Pacific Northwest and the entire United States. Traditionally, the Columbia River Basin and its tributaries were the largest salmon producing river system in the world, with annual returns peaking at as many as 30 million fish. The Columbia River drainage basin includes more than 6 million acres of irrigated agricultural land, and its 14 hydroelectric dams, combined with additional dams on its tributaries, produce more hydroelectric power than any other North American river.

(3) The Lower Columbia River Estuary stretches 146 miles from the Bonneville Dam to the mouth of the Pacific Ocean, and much of this area is degraded. Polychlorinated biphenyls (PCBs) in salmon tissue and polycyclic aromatic hydrocarbons (PAHs) in salmon prey exceed estimated thresholds for delayed mortality, increased disease susceptibility, and reduced growth. Legacy contaminants (DDT and PCBs) banned in the 1970s are still detected in river water, sediments, and juvenile Chinook salmon. Several pesticides have been detected, including atrazine and simazine, which can affect salmon behavior or act as hormone disruptors. Emerging contaminants, such as hormone disruptors from pharmaceutical and personal care products, have been found in river water and juvenile male salmon. These contaminants may impair salmon growth, health, and reproduction.

(4) The Middle and Upper Columbia River Basin includes 1,050 miles of the mainstem Columbia River upstream of the Bonneville Dam, including the 1,040 miles of its largest tributary, the Snake River, and all of the tributaries to both rivers. The Environmental Protection Agency's (EPA's) Columbia River Basin Fish Contaminant Survey detected the presence of 92 priority pollutants, including PCBs, dioxins, furans, arsenic, mercury, and DDE (a breakdown product of DDT), in fish that are consumed by the Confederated Tribes of the Warm Springs, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe, as well as by other people consuming fish throughout the Columbia River Basin. A fish consumption survey by the Columbia River Intertribal Fish Commission showed that tribal members were eating 6 to 11 times more fish than EPA's estimated national average. The nuclear and toxic contamination at the Hanford Nuclear Reservation presents an ongoing risk of contamination in the Middle Columbia Basin. Sampling of sediments by the EPA in 2004 documented widespread presence of toxic flame retardants known as polyrominated diphenyl ethers.

(5) Contamination of the Middle and Upper Columbia River Basin has a direct impact on water quality and habitat quality in the Lower Columbia River Estuary. Investments in habitat restoration and toxics reduction in the Middle and Upper Columbia River Basin can have significant benefits for fish and wildlife throughout the entire basin.

(6) Together with the Governors of Oregon and Washington, the EPA created the Lower Columbia River Estuary Partnership (Estuary Partnership) in 1995 to provide regional coordination to focus on the lower river, to advance the science of the ecosystem, and to deliver environmental results. The Estuary Partnership was formed within the National Estuary Program and provides a structure for organization and collaboration to implement Federal priorities. The Estuary Partnership includes all key Federal agencies as part of its management and governing structure, including the EPA, the United States Geological Survey (USGS), the National Oceanic and Atmospheric Administration (NOAA), the Army Corps of Engineers, the Forest Service, and tribal, State, and local governments.

(7) The Columbia River Basin was designated by the EPA as an ''Estuary of National Significance'' in 1995 and a ''Large Aquatic Ecosystem'' in 2006.

(8) The Estuary Partnership has developed an unparalleled 2-State, public and private partnership, including unprecedented collaborative efforts among key Federal partners, including the EPA, the NOAA, the USGS, and the Army Corps of Engineers to advance Federal goals, and the Estuary Partnership and its partners have gathered scientific information and compiled data, and have made significant gains in habitat protection and environmental education.

(9) Despite these advances, further degradation exists and contaminants persist in the Columbia River Basin and are impairing the health of fish, wildlife, and humans. Degraded conditions in the river exacerbate the challenges already faced by the 13 species of salmon and steelhead in the Columbia River Basin listed as threatened or endangered under the Endangered Species Act of 1973.

(10) The ''Estuary Partnership Comprehensive Conservation and Management Plan'' (1999), the ''Northwest Power and Conservation Council Lower Columbia Province Plan'' (2004, amended 2008), the draft ''NOAA Columbia River Estuary Recovery Module for Salmon and Steelhead'' (2010), the States of Oregon, Idaho, and Washington Recovery Plans, the ''Biological Opinion for the Federal Columbia River Power System (FCRPS)'' (2000, 2004, 2008), and the ''EPA Columbia Basin State of the River Report for Toxics'' (2009) consistently identify habitat loss and toxic contamination as threats to fish and wildlife.

SEC. 3. COLUMBIA RIVER.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. COLUMBIA RIVER.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ACTION PLAN.—The term 'Action Plan' means the 'Columbia River Basin Toxics Reduction Action Plan' developed by the Environmental Protection Agency and the Columbia River Toxics Reduction Working Group in 2010, including any amendments thereto.

''(2) COMPREHENSIVE PLAN.—The term 'Comprehensive Plan' means the 'Estuary Partnership Comprehensive Conservation and Management Plan' adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320, including any amendments thereto.

''(3) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the Lower Columbia River Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

''(4) LOWER COLUMBIA RIVER AND ESTUARY.—The term 'Lower Columbia River and Estuary' means the region consisting of the lower 146 miles of the Columbia River Basin from the Bonneville Dam to the Pacific Ocean.

''(5) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam, including the Snake River (and its tributaries) and other tributaries of the Columbia River.

''(6) TEAM LEADER.—The term 'Team Leader' means the Team Leader appointed under subsection (b).

''(b) PROGRAM TEAM.—

''(1) ESTABLISHMENT.—The Administrator shall establish in the Environmental Protection Agency a Columbia River Program Team. The Team shall be located within the Oregon Operations Office for Region 10 of the Environmental Protection Agency.

''(2) APPOINTMENT OF TEAM LEADER.—The Administrator shall appoint a Team Leader, who, by reason of management experience and technical expertise relating to the Columbia River Basin, shall be highly qualified to support the development and implementation of projects, programs, and studies necessary to implement the Action Plan.

''(3) DELEGATION OF AUTHORITY; STAFFING.—The Administrator shall delegate to the Team Leader such authority and provide such additional staff as may be necessary to carry out this section.

''(c) DUTIES.—

''(1) IN GENERAL.—In carrying out this section, the Administrator, acting through the Team Leader, shall—

''(A) assist and support the implementation of the Action Plan and the Comprehensive Plan;

''(B) coordinate the implementation of the Action Plan and the Comprehensive Plan, and the development of any updates to those plans, with programs and projects in the Middle and Upper Columbia River Basin;

''(C) make such other updates to the Action Plan and the Comprehensive Plan as the Administrator, in consultation with appropriate Federal agencies, the States of Oregon, Washington, and Idaho, tribal governments, local governments, and other public and private interests in the Columbia River Basin, considers appropriate;

''(D) provide funding and make grants for implementation of the Action Plan and the Comprehensive Plan and projects, programs, and studies consistent with the priorities of the Action Plan and the Comprehensive Plan;

''(E) promote innovative methodologies and technologies that are cost effective and consistent with the identified goals and objectives of the Action Plan and the Comprehensive Plan and the permitting processes of the Environmental Protection Agency;

''(F) coordinate the major functions of the Federal Government related to the implementation of the Action Plan and the Comprehensive Plan, including projects, programs, and studies for—

''(i) water quality improvements;

''(ii) toxics reduction and monitoring;

''(iii) wetland, riverine, and estuary restoration and protection;

''(iv) nearshore and endangered species recovery; and

''(v) stewardship and environmental education;

''(G) coordinate the research and planning projects authorized under this section with Federal agencies, State agencies, tribal governments, universities, and the Estuary Partnership, including conducting or commissioning studies considered necessary for strengthened implementation of the Action Plan and the Comprehensive Plan;

''(H) track progress toward meeting the identified goals and objectives of the Action Plan and the Comprehensive Plan by—

''(i) implementing and supporting a project, program, and monitoring system consistent with performance-based ecosystem standards and management; and

''(ii) coordinating, managing, and reporting environmental data related to the Action Plan and the Comprehensive Plan in a manner consistent with methodologies utilized

by the Estuary Partnership, including making such data and reports on such data available to the public, including on the Internet, in a timely fashion; and

''(I) collect and make available to the public, including on the Internet, publications and other forms of information relating to the environmental quality of the Lower Columbia River and Estuary.

''(2) IMPLEMENTATION METHODS.—The Administrator, acting through the Team Leader, may enter into interagency agreements, make intergovernmental personnel appointments, provide funding, make grants, and utilize other available methods in carrying out the duties under this subsection.

''(d) REPORT.—Not later than one year after the date of enactment of this section, and biennially thereafter, the Administrator shall submit to Congress a report that—

''(1) summarizes the progress made in implementing the Action Plan and the Comprehensive Plan and the progress made toward achieving the identified goals and objectives described in such plans;

''(2) summarizes any modifications to the Action Plan and the Comprehensive Plan made in the period immediately preceding the report;

''(3) incorporates specific recommendations concerning the implementation of the Action Plan and the Comprehensive Plan; and

''(4) summarizes the roles and progress of each Federal agency that has jurisdiction in the Columbia River Basin toward meeting the identified goals and objectives of the Action Plan and the Comprehensive Plan.

''(e) IMPLEMENTATION OF ACTION PLAN AND COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The Administrator, acting through the Team Leader and in consultation with the Estuary Partnership, shall carry out projects, programs, and studies to implement the Action Plan and the Comprehensive Plan.

''(2) PRIORITY PROJECTS, PROGRAMS, AND STUDIES.—The Administrator may give special emphasis to projects, programs, and studies that are identified as priorities by the Estuary Partnership in the Action Plan and the Comprehensive Plan.

''(3) GRANTS.—

''(A) IN GENERAL.—The Administrator, acting through the Team Leader, is authorized to make grants for projects, programs, and studies to implement the Action Plan and the Comprehensive Plan.

''(B) ALLOCATIONS.—In making grants using funds appropriated to carry out this paragraph for a fiscal year, the Administrator, acting through the Team Leader, shall use—

''(i) not less than 40 percent of the funds to make a comprehensive grant to the Estuary Partnership to manage implementation of the Comprehensive Plan;

''(ii) not less than 50 percent of the funds to make grants, as allocated by the Team Leader, for projects, programs and studies prioritized in the Action Plan throughout the Columbia River Basin, and for other coordinated projects, programs, and studies in the Middle and Upper Columbia River Basin; and

''(iii) not more than 5 percent of the funds for project management, administration, and reporting.

''(4) FEDERAL SHARE.—The Federal share of the costs for which a grant is made under this section shall be 75 percent, except that the Administrator may increase the Federal share in such circumstances as the Administrator determines appropriate.

''(f) ANNUAL BUDGET PLAN.—The President, as part of the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including—

''(1) an interagency crosscut budget that displays for each Federal agency—

''(A) the amounts obligated in the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

''(B) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

''(C) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

''(2) a description and assessment of the Federal role in the development and implementation of the Action Plan and the Comprehensive Plan and the specific role of each Federal agency involved in protection and restoration of the Columbia River Basin, including specific projects, programs, and studies conducted or planned to achieve the identified goals and objectives of the Action Plan and the Comprehensive Plan.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $40,000,000 for each of fiscal years 2011 through 2016. Such sums shall remain available until expended.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 419—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL GUARD YOUTH CHALLENGE DAY''

Ms. LANDRIEU (for herself, Mrs. LINCOLN, Mr. CHAMBLISS, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BYRD, and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 419

Whereas ''National Guard Youth Challenge Day'' will be celebrated on February 24, 2010;

Whereas high school dropouts need guidance, encouragement, and avenues toward self-sufficiency and success;

Whereas over 1,300,000 students drop out of high school each year, costing this Nation more than $335,000,000,000 in lost wages, revenues, and productivity over the lifetimes of these individuals;

Whereas the life expectancy for a high school dropout is 9 years less than that of a high school graduate, and a high school dropout can expect to earn about $19,000 each year, compared to approximately $28,000 for a high school graduate;

Whereas 54 percent of high school dropouts were jobless during an average month in 2008, with 40 percent having no job for the entire year;

Whereas each annual class of high school dropouts cost this Nation over $17,000,000,000 in publicly subsidized health care over the course of their lives;

Whereas approximately 90 percent of individuals in prisons throughout the United States are high school dropouts;

Whereas the goal of the National Guard Youth Foundation, a non-profit 501(c)(3) organization, is to improve the education, life skills, and employment potential of high school dropouts in the United States through public awareness, scholarships, higher education assistance, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based training, supervised work experience, assistance in obtaining a high school diploma or equivalent degree, and development of leadership qualities, as well as promotion of citizenship, fellowship, service to their community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between States and the Federal Government;

Whereas since 1993, the National Guard Youth Challenge Program has developed 32 programs in 27 States and Puerto Rico;

Whereas since 1993, over 92,850 young individuals have successfully graduated from the program, with 80 percent earning their high school diploma or GED certificate, 24 percent going to college, 18 percent joining the military, and 57 percent entering the workforce with career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped high school dropouts in this Nation; and

Whereas the National Guard Youth Challenge Program can play a larger role in providing assistance to the youth of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Guard Youth Challenge Day''; and

(2) calls upon the people of the United States to observe ''National Guard Youth Challenge Day'' on February 24, 2010, with appropriate ceremonies and respect.

Ms. LANDRIEU. Mr. President, on behalf of myself and my colleagues Senator LINCOLN, Senator CHAMBLISS, Senator SHAHEEN, Senator MURKOWSKI, Senator BARRASSO and Senator BYRD, I rise today to submit a resolution in support of the goals and ideals of National Guard Youth Challenge Day and in support of the Youth ChalleNGe program.

Few programs have been as effective in combating the high rate of high school dropouts as the Youth ChalleNGe program.

Established by the National Guard in 1993 to help at-risk youth aged 16–18 who have dropped out or been expelled from school, the National Guard Youth ChalleNGe program includes a 5-month residential program and 12-month mentoring program where participants learn life-skills, gain real-life work experience, receive on-the-job training, participate in community service and have the opportunity to earn a high school diploma or GED.

Everyone knows that high school dropouts face much greater challenges than their peers who finish school. Dropouts have an unemployment rate of 40 percent, as compared to the national average of 10 percent. Fifty-four percent of high school dropouts were jobless in an average month during 2008 alone.

One in every three teen mothers is a dropout and one in four babies is born to a high school dropout. Dropouts have a life expectancy that is nine years less than a high school graduate.

While looking for programs that keep students in school, we must also focus on programs that offer our high school dropouts a road back, and the National Guard Youth ChalleNGe Program is one such program.