in the cumulative graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), are students who graduate from secondary school in 4 years if—

''(I) the secondary school or educational program submits to the State—

''(aa) a description of the secondary school or educational program; and

''(bb) an alternative 4-year completion requirement; and

''(II) the State approves the use of the alternative 4-year completion requirement for such purposes.

''(5) DELAYED APPLICABILITY TO SCHOOLS.—Paragraphs (2), (3), and (4)(C) shall not apply to a secondary school until the beginning of school year 2012–2013 or, in the case of a State using an interim rate, shall not apply to a secondary school until the first school year after such State adjusts its baseline graduation rate as described in paragraph (4)(B).

''(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of the Every Student Counts Act, and annually thereafter, each State educational agency that receives assistance under this part shall submit to the Secretary, and make publicly available, a report on the implementation of this section. Such report shall include—

''(1) a description of each category, code, exit code, and the corresponding definition that the State has authorized for identifying, tracking, calculating, and publicly reporting student status;

''(2) if using an interim graduation rate pursuant to subsection (b)(5), a description of the efforts of the State to implement the 4-year adjusted cohort graduation rate and the cumulative graduation rate and the expected date of implementation, which date shall be not later than the school year 2013–2014; and

''(3) a description of waivers granted in the State under subsection (c)(4)(C)(iii), which shall include—

''(A) the total number of waivers granted in the State under subsection (c)(4)(C)(iii);

''(B) a description of each waiver granted;

''(C) the number of students who are enrolled in secondary schools or secondary school education programs receiving such waivers; and

''(D) the cumulative graduation rates of the secondary schools or secondary school education programs receiving such waivers.''

SEC. 5. AYP CONFORMING AMENDMENTS.

Section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)) is amended—

(1) in clause (vi), by striking ''and'' after the semicolon;

(2) in clause (vii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(viii) complies with the requirements of section 1111A.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 135—REMEMBERING THE 1 YEAR ANNIVERSARY OF THE APRIL 10, 2010, PLANE CRASH THAT CLAIMED THE LIVES OF THE PRESIDENT OF POLAND LECH KACZYNSKI, HIS WIFE, AND 94 OTHERS, WHILE THEY WERE EN ROUTE TO MEMORIALIZE THOSE POLISH OFFICERS, OFFICIALS, AND CIVILIANS WHO WERE MASSACRED BY THE SOVIET UNION IN 1940

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas on April 10, 2010, the President of the Republic of Poland Lech Kaczynski, his wife Maria, and a cadre of current and former Polish statesmen, military officers, family members, and others departed Warsaw by plane to travel to the Russian region of Smolensk;

Whereas the purpose of the delegation's visit was to hold a ceremony in solemn remembrance of the more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians who were executed by the Soviet secret police, the ''NKVD'', between April 3 and the end of May 1940;

Whereas more than 14,500 Polish victims of such executions have been documented at 3 sites in Katyn (in present day Belarus), in Miednoye (in present day Russia), and in Kharkiv (in present day Ukraine), while the remains of an estimated 7,000 such Polish victims have yet to be precisely located;

Whereas the plane carrying the Polish delegation on April 10, 2010, crashed in Smolensk, tragically killing all 96 persons on board;

Whereas Poland has been a leading member of the transatlantic community and the North Atlantic Treaty Organization (NATO), an Alliance vital to the interests of the United States, and Poland's membership in the Alliance has strengthened NATO;

Whereas the Polish armed forces have stood shoulder-to-shoulder and sacrificed with airmen, marines, sailors, and soldiers of the United States in Iraq, Afghanistan, the Balkans, and around the world;

Whereas Poland has been a leader in the promotion of human rights, not just in Central Europe, but elsewhere around the world; and

Whereas the deep friendship between the governments and people of Poland and the United States is grounded in our mutual respect, shared values, and common priorities on nuclear nonproliferation, counterterrorism, human rights, regional cooperation in Eastern Europe, democratization, and international development: Now, therefore, be it

Resolved, That the Senate—

(1) remembers the terrible tragedy that took place on April 10, 2010, when an aircraft carrying a delegation of current and former Polish officials, family members, and others crashed en route from Warsaw to Smolensk to memorialize the 1940 Katyn massacres, killing all 96 passengers;

(2) honors the memories of all Poles executed by the NKVD at Katyn, Miednoye, Khakriv, and elsewhere and those who perished in the April 10, 2010, plane crash;

(3) expresses continuing sympathy for the surviving family members of those who perished in the tragic plane crash of April 10, 2010;

(4) recognizes and respects the resilience of Poland's constitution, as demonstrated by the smooth and stable transfer of constitutional authority that occurred in the immediate aftermath of the April 10, 2010, tragedy; and

(5) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Ambassador of Poland to the United States.

SENATE RESOLUTION 136—TO AUTHORIZE DOCUMENT PRODUCTION IN UNITED STATES V. DOUGLAS D. HAMPTON (D.D.C.)

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, in the case of *United States* v. *Douglas D. Hampton*, Crim. No. 11–085 (D.D.C.), pending in the United States District Court for the District of Columbia, documents that have been produced to the United States Department of Justice by offices of the Senate in earlier related proceedings may be needed for use in this proceeding;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that records that have been produced by offices of the Senate in connection with investigation by the Department of Justice are authorized to be used in the case of *United States* v. *Douglas D. Hampton* and any related proceedings.

SENATE RESOLUTION 137—SUPPORTING THE GOALS AND IDEALS OF TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. BURR (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 137

Whereas the Take Our Daughters To Work Day program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to ''Take Our Daughters and Sons To Work Day'' so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, to develop ''innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential'', now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a nonprofit organization, has grown to become 1 of the largest public awareness campaigns, with more than 33,000,000 participants annually in more than 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to future generations;

Whereas every year, mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the Take Our Daughters and Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas Take Our Daughters and Sons to Work Day will be observed on Thursday, April 28, 2011; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis

through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 287. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; which was ordered to lie on the table.

SA 288. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, supra; which was ordered to lie on the table.

SA 289. Mr. CARPER (for himself, Mr. VITTER, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 287. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Contracting with the Enemy Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified or designated in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) ENEMY OF THE UNITED STATES.—The term ''enemy of the United States'' means any person or organization determined by the Secretary of Defense or the Secretary of State to be hostile to United States forces or interests or providing support to any person or organization hostile to United States forces or interests during the time of a declared war, peacekeeping operation, or other military or contingency operation.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

(4) FEDERAL ACQUISITION REGULATION.—The term ''Federal Acquisition Regulation'' means the regulation maintained under section 1303(a)(1) of title 41, United States Code.

(5) FEDERAL CONTRACT.—The term ''Federal contract'' means any contract, including any order under a multiple award or indefinite delivery or indefinite quality contract, entered into by an executive agency for the procurement of property or services (including construction).

(6) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' has the meaning given the term pursuant to section 6305 of title 31, United States Code.

(7) GRANT.—The term ''grant'' has the meaning given the term pursuant to section 6304 of title 31, United States Code.

SEC. 3. PROHIBITION ON CONTRACTS, COOPERATIVE AGREEMENTS, OR GRANTS WITH ENEMIES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation and the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall prescribe regulations or other guidance, as appropriate—

(1) to provide the authority to restrict the award of Federal contracts, cooperative agreements, or grants to enemies of the United States;

(2) to void any Federal contract, cooperative agreement, or grant with an enemy of the United States immediately at no cost to the United States Government, including any settlement costs or equitable adjustments to the prime or subcontractor, or any other compensation under other contract provision or provision of law;

(3) to provide that the head of an executive agency may provide for an adjudication process to balance restricting the award of, or voiding of, a contract, cooperative agreement, or grant, against operational mission needs of the agency;

(4) to require the contracting official or cooperative agreements or grants official, as the case may be to ensure no further payments, including previously approved payments and compensation, are made to the contractor or grantee; and

(5) to provide that the head of an executive agency shall have access to prime contractor and subcontractor records to facilitate Federal oversight of the obligation or expenditure of funds under contracts, cooperative agreements, and grants.

(b) PROHIBITION ON SUBCONTRACTS.—The regulations prescribed under subsection (a) shall prohibit the awarding of subcontracts under a Federal contract, cooperative agreement, or grant to enemies of the United States, and shall include the following requirements:

(1) Federal contracts, cooperative agreements, and grants shall include a contract clause prohibiting the use of a subcontractor at any tier under the contract, cooperative agreement, or grant that is an enemy of the United States.

(2) If the head of an executive agency determines that a prime contractor has subcontracted at any tier under a Federal contract, cooperative agreement, or grant with a contractor that is an enemy of the United States, the contracting official or cooperative agreements or grants official, as the case may be, shall—

(A) direct the prime contractor to terminate the subcontract immediately with no further payment or compensation to the subcontractor;

(B) notify the prime contractor that failure to terminate the subcontract shall be grounds for default on the prime contract, cooperative agreement, or grant; and

(C) take all necessary actions to ensure that no further payments, including previously approved payments and compensation are made to the subcontractor.

(c) INTELLIGENCE COMMUNITY AND NATIONAL SECURITY EXCEPTION.—The prohibitions under subsections (a) and (b) shall not apply to contracts, cooperative agreements, or grants entered into by elements of the intelligence community in support of intelligence activities or any other contract, cooperative agreement, or grant where national security may be compromised.

(d) MONITORING OF RESCINDED OR VOIDED CONTRACTS, COOPERATIVE AGREEMENTS, OR GRANTS.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall direct the Administrator of General Services to add a field to the Federal Awardee Performance and Integrity Information System (''FAPIIS'') to record contracts, grants, and cooperative agreements voided based on a determination that the contract, or any subcontract under the contract, was with an enemy of the United States as defined under section 2(2).

(e) DISSEMINATION.—The Administrator for Federal Procurement Policy, in coordination with the Secretary of Defense and the Secretary of State, shall ensure that the regulations implementing this Act are disseminated to all personnel affected and that all contractors are made aware of this policy prior to contract, cooperative agreement, or grant awards.

SEC. 4. DETERMINATION OF ENEMY STATUS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the Administrator of the United States Agency for International Development, shall prescribe regulations establishing a process for the heads of executive agencies to make a determination that a party to a contract, cooperative agreement, or grant is an enemy of the United States as defined under section 2(2).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall establish—

(A) a process for verifying the information on which a determination under such paragraph is sufficiently reliable;

(B) a process for protecting confidential sources;

(C) a process requiring the heads of executive agencies to document the basis for determinations under paragraph (1) and the information relied upon in making such determinations;

(D) a process for retaining such information for possible review under section 5; and

(E) a process that provides a balance between restricting the award of, or voiding of, a contract, cooperative agreement, or grant, against operational mission needs of the agency.

SEC. 5. DUE PROCESS PROCEDURE.

(a) CONTRACTS.—Any contractor whose contract is voided under the procedures prescribed pursuant to sections 3 and 4 may utilize the procedures established under chapter 71 of title 41, United States Code, except that the only basis for a claim under these procedures is that the contractor is not an enemy of the United States as defined under section 2(2).

(b) GRANTS AND COOPERATIVE AGREEMENTS.—The Department of State, the Department of Defense, and the Agency for International Development shall establish internal administrative procedures for reviewing, in the case of a cooperative agreement or grant voided under the procedures prescribed pursuant to sections 3 and 4, the determination that a party to such cooperative agreement or grant is an enemy of the United Stated as defined under section 2(2).

(c) PROTECTION OF NATIONAL SECURITY.—The regulations established under chapter 71 of title 41, United States Code, as amended pursuant to subsection (a), and the regulations prescribed under subsection (b) shall provide for the protection of national security as appropriate when a claim is submitted pursuant to this section.