

the Middle East, women have stood shoulder to shoulder with men to advance their rights. Indeed, U.S. Secretary of State Hillary Rodham Clinton has said that, “the rights of women and girls is the unfinished business of the 21st century,” and I couldn’t agree more.

Earlier this year, demonstrations spread from Tunisia to Egypt, with thousands of protesters peacefully calling for new governments, free and fair elections, significant constitutional and political reforms, greater economic opportunity, and an end to government corruption. Women played a vital role in these movements, utilizing social media to galvanize support for peaceful protest—facing tear gas and sleeping in tents in Tahrir Square. In fact, hundreds of women took part in a rally in Cairo on March 8th, the 100th anniversary of International Women’s Day, to remind women in Egypt that they must have a voice in their nation’s future. And today, as the people of Libya seek to overturn the brutal regime of Moammar Qadhafi, women have been working behind the scenes making a profound difference to promote reform and keep the momentum of the uprising alive.

However, while women have sacrificed and peacefully protested side by side with men in nations throughout North Africa and the Middle East, there are signs that women are increasingly being sidelined from the formation of new governments. In Tunisia, according to press reports, only two women have been appointed to the transitional government and in Egypt, not a single woman has been appointed to the council in charge of revamping the constitution.

The simple truth is women around the world continue to face significant obstacles in all aspects of their lives, including denial of basic human rights, discrimination, and gender-based violence. Be it Tunisia and Egypt—or Morocco, Yemen, Lebanon, and Iran—women have attempted to harness critical support regarding matters affecting their rights, which is precisely why my colleagues and I introduced this resolution.

We stand together to honor the women in North Africa and the Middle East who have worked to ensure guaranteed equality and basic human rights, recognizing that the empowerment of women is inextricably linked to the potential of nations to generate economic growth and sustainable democracy. Part and parcel to the success and stability of any government is the equal voice and participation of women. The spirit and devotion exemplified by women in North Africa and the Middle East—and the ongoing challenges they continue to face—are both an inspiration to us all and a reminder that discrimination and gender-based violence endures around the world. The resolution I am introducing with my colleagues is meant to honor their commitment to ensuring future gen-

erations enjoy the guaranteed equality and basic human rights for which they endeavor to this day.

SENATE RESOLUTION 110—TO REQUIRE THAT ALL LEGISLATIVE MATTERS BE AVAILABLE AND FULLY SCORED BY CBO 48 HOURS BEFORE CONSIDERATION BY ANY SUBCOMMITTEE OR COMMITTEE OF THE SENATE OR ON THE FLOOR OF THE SENATE

Mr. BROWN of Massachusetts (for himself, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. ISAKSON, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 110

Resolved,
SECTION 1. PUBLIC AVAILABILITY OF LEGISLATION AND THE COST OF THAT LEGISLATION.

(a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 48 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a)—

“(1) the legislative matter shall be available on the official website of the committee; and

“(2) the final score prepared in accordance with section 308(a) of the Congressional Budget Act of 1974 shall be available on the official website of the Congressional Budget Office.

“(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of ⅔ of the Members of the subcommittee or committee. An affirmative vote of ⅔ of the Members of the subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

“(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of ⅔ of the Members, duly chosen and sworn. An affirmative vote of ⅔ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

“(e) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, complete substitute amendment, conference report, or message between the Houses.”

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“6. (a) It shall not be in order in the Senate to proceed to any legislative matter, including any matter hotlined, unless the legislative matter and a final budget scoring by the

Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 48 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a)—

“(1) the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter; and

“(2) the final score prepared in accordance with section 308(a) of the Congressional Budget Act of 1974 shall be available on the official website of the Congressional Budget Office.

“(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of ⅔ of the Members, duly chosen and sworn. An affirmative vote of ⅔ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, complete substitute amendment, conference report, or message between the Houses.”

SEC. 2. PROTECTION OF CLASSIFIED INFORMATION.

Nothing in this resolution or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

AMENDMENTS SUBMITTED AND PROPOSED

SA 250. Mr. MCCAIN 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.

SA 251. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 252. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 253. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, Mr. ENZI, Mrs. HAGAN, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 254. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 255. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 256. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 257. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 250. Mr. MCCAIN 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; as follows:

At the end of the bill, add the following:

SEC. ____ . POSTAL SERVICE POLICY.

Section 101(b) of title 39, United States Code, is amended—

(1) in the first sentence, by striking “a maximum degree of”; and

(2) in the second sentence, by striking “No small” and all that follows through “being” and inserting “It is”.

SA 251. Mr. MCCAIN 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; as follows:

At the end of the bill, add the following:

SEC. ____ . LIMITATION ON POSTAL SERVICE CONTRIBUTIONS FOR LIFE INSURANCE AND HEALTH INSURANCE BENEFITS.

(a) IN GENERAL.—If the Postmaster General does not submit a certification described under subsection (b) to Congress before fiscal year 2012 and each fiscal year thereafter—

(1) no sums may be appropriated from the United States Treasury to the United States Postal Service with respect to that fiscal year; and

(2) notwithstanding section 2005(a) of title 39, United States Code, the United States Postal Service may not borrow any money under that section with respect to that fiscal year.

(b) CERTIFICATION.—A certification referred to under subsection (a) is a certification that, with respect to the applicable fiscal year, the contributions by the United States Postal Service for employees for—

(1) life insurance benefits shall not exceed the maximum contribution provided for under section 8708 of title 5, United States Code; and

(2) health insurance benefits shall not exceed the maximum contribution provided for under section 8906 of title 5, United States Code.

SA 252. Mr. MCCAIN 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; as follows:

At the end of the bill, add the following:

SEC. ____ . LIMITATION ON PAY OF OFFICERS OF THE UNITED STATES POSTAL SERVICE.

(a) REPEAL OF EXCEPTION TO COMPENSATION LIMITATION.—Section 3686 of title 39, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) LIMITATION ON PAY.—Notwithstanding any other provision of law, the total annual pay of the Postmaster General or any other officer or employee of the Postal Service may not exceed the total annual pay payable to the Vice President under section 104 of title 3, United States Code, until the Postal Service has paid—

(1) any obligation and any borrowed money under section 2005 of title 39, United States Code; and

(2) any other debt owed to the United States Treasury.

SA 253. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, Mr. ENZI, Mrs. HAGAN, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her 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; as follows:

At the end, add the following:

TITLE __—CONTRACTING FRAUD PREVENTION

SECTION 1. SHORT TITLE.

This title may be cited as the “Small Business Contracting Fraud Prevention Act of 2011”.

SEC. 2. DEFINITIONS.

In this title—

(1) the term “8(a) program” means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(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. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Whoever” and all that follows through “oneself or another” and inserting the following: “A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by service-disabled veterans’, in order to obtain for any person”;

(ii) by amending subparagraph (A) to read as follows:

“(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;”;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

“(C) be subject to the civil remedies and penalties under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’);”;

(C) by adding at the end the following:

“(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sus-

tained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

“(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

“(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.”;

(2) by striking subsection (e) and inserting the following:

“(e) Any representation of the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by women’, or a ‘small business concern owned and controlled by service-disabled veterans’, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.”;

(3) by adding at the end the following:

“(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by women’, or a ‘small business concern owned and controlled by service-disabled veterans’—

“(1) in order to allow any person to participate in or be admitted to any program of the Administration; or

“(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

“(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

“(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

“(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

“(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.”.

SEC. 4. VETERANS INTEGRITY IN CONTRACTING.

(a) **DEFINITION.**—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking “means a veteran” and all that follows and inserting the following: “means—

“(A) a veteran who possesses a disability rating letter establishing a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

“(B) a former member of the Armed Forces with a service connected disability who, under chapter 61 of title 10, United States Code, is placed on the temporary disability retired list, retired from service due to a physical disability, or separated from service due to a physical disability.”.

(b) **VETERANS CONTRACTING.**—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) **VETERAN STATUS.**—

“(1) **IN GENERAL.**—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

“(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

“(B) register with—

“(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

“(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

“(2) **VERIFICATION OF STATUS.**—

“(A) **VETERANS AFFAIRS.**—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

“(B) **FEDERAL AGENCIES GENERALLY.**—The head of each Federal agency shall—

“(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

“(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

“(3) **DEBARMENT AND SUSPENSION.**—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) **INTEGRATION OF DATABASES.**—Not later than 1 year after the date of enactment of this Act, the Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

SEC. 5. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) **REVIEW OF EFFECTIVENESS.**—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) 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 each evaluation under subparagraph (A).”.

(b) **OTHER IMPROVEMENTS.**—

(1) **IMPROVEMENTS.**—In order to improve the 8(a) program, the Administrator shall—

(A) not later than 90 days after the date of enactment of this Act, begin to—

(i) evaluate the feasibility of—
(I) using additional third-party data sources;

(II) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(III) using fraud detection tools, including data-mining techniques; and

(IV) conducting financial and analytical training for the business opportunity specialists of the Administration;

(ii) evaluate the feasibility and advisability of calculating the adjusted net worth or total assets of an individual for purposes of the 8(a) program in a manner that includes assets held by the spouse of the individual; and

(iii) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(B) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (a), issue, in final form, proposed regulations of the Administration that—

(i) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(ii) require a small business concern to provide additional certifications designed to prevent fraud in order to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

(2) **DEFINITION.**—In this subsection, the term “immediate family member” means a father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, and mother-in-law.

SEC. 6. HUBZONE IMPROVEMENTS.

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

(b) **IN GENERAL.**—The Administrator shall—

(1) ensure the HUBZone map is—

(A) 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.

(c) **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.”.

(d) **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”.

SEC. 7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General;

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (4), and the reason for each such decision;

(6) the number of investigations and reviews of potential suspensions and debarments that were initiated by the Administration; and

(7) the number of investigations and reviews of potential suspensions and debarments that were referred by the Administration to other agencies.

SA 254. Mr. KIRK 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; as follows:

On page __, between lines __ and __, insert the following:

SEC. ____ . PROHIBITING NEW MANDATORY SPENDING.

Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(g) PROHIBITING NEW MANDATORY SPENDING.—

“(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—

“(A) creates a new mandatory funding program; or

“(B) converts a discretionary funding program into a mandatory funding program.

“(2) SUPERMAJORITY WAIVER AND APPEALS.—

“(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.”.

SA 255. Mr. KIRK 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; as follows:

At the appropriate place, insert the following:

SEC. ____ . FEDERAL SPENDING CONTROL.

(a) SHORT TITLE.—This section may be cited as the “Spending Control Act of 2011”.

(b) ESTABLISHMENT.—There is established an independent commission to be known as the “Grace Commission II”.

(c) DUTIES OF COMMISSION.—The duties of the Commission shall be—

(1) to conduct reviews in accordance with subsection (g); and

(2) to submit reports in accordance with subsection (h).

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of eight members appointed by the President, by and with the advice and consent of the Senate.

(B) NOMINATIONS.—Not later than 180 days after the date of the enactment of this section, the President shall transmit to the Senate nominations for appointment to the Commission.

(C) CONSULTATION.—In selecting individuals for nominations for appointments to the Commission, the President shall consult with—

(i) the Speaker of the House of Representatives concerning the appointment of three members;

(ii) the majority leader of the Senate concerning the appointment of three members;

(iii) the minority leader of the House of Representatives concerning the appointment of one member; and

(iv) the minority leader of the Senate concerning the appointment of one member.

(2) TERMS.—Each member shall be appointed for the life of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) CHAIRMAN.—The Chairman of the Commission shall be designated by the President at the time of nomination of members of the Commission.

(5) BASIC PAY.—

(A) RATES OF PAY.—

(i) IN GENERAL.—Except as provided in subparagraph (B), each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(ii) CHAIRMAN.—The Chairman shall be paid for each day referred to in clause (i) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(iii) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per

diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(6) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(7) MEETINGS.—The Commission shall meet at the call of the Chairman.

(e) DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—With the approval of the Commission, the Director may appoint and fix the pay of personnel as the Director considers appropriate.

(B) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director may appoint the personnel of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for GS-18 of the General Schedule.

(C) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure by contract temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(6) CONTRACT AUTHORITY.—The Commission may contract with and compensate Government and private agencies or persons for

products and services necessary for the Commission to carry out its responsibilities under this section.

(g) COST CONTROL REVIEWS.—

(1) IN GENERAL.—In preparation for submitting reports as required under subsection (h), the Commission shall conduct, every two years, a review of cost control in the Federal Government with respect to improving management and reducing costs.

(2) AGENCY STUDIES.—In conducting a review under this subsection, the Commission shall conduct in-depth studies of the operations of the Executive agencies as a basis for evaluating potential improvements in agency operations.

(3) RECOMMENDATIONS.—In conducting a review under this subsection, the Commission shall develop recommendations in the following areas:

(A) Opportunities for increased efficiency and reduced costs in the Federal Government that can be realized by Executive action or legislation.

(B) Areas where managerial accountability can be enhanced and administrative control can be improved.

(C) Opportunities for managerial improvements over both the short- and long-term.

(D) Specific areas where further study can be justified by potential savings.

(E) Ways to reduce governmental expenditures and indebtedness and improve personnel management.

(h) REPORTS.—

(1) INTERIM REPORTS.—Not later than 180 days before the date on which the Commission is required to submit a final report under paragraph (2), the Commission shall submit to Congress and the President an interim report containing the preliminary results of the review being conducted under subsection (g) related to that final report.

(2) FINAL REPORTS.—

(A) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, and every two years thereafter until the date on which the Commission submits its third final report under this subparagraph, the Commission shall submit to Congress and the President a final report containing a detailed statement of the findings and conclusions of the Commission based on the most recent review conducted under subsection (g), together with its recommendations for legislative and administrative actions, and other matters the Commission considers appropriate.

(B) PROPOSED LEGISLATION.—The Commission shall include in a final report submitted under subparagraph (A) proposed legislation in the form of an implementation bill to carry out recommendations developed under subsection (g)(3).

(C) LIMITATION.—The Commission may include in a report submitted under this section proposed legislation under subparagraph (B) only if such proposed legislation is agreed to by not fewer than five of the members of the Commission.

(i) CONGRESSIONAL CONSIDERATION OF PROPOSED LEGISLATION.—

(1) INTRODUCTION; REFERRAL; REPORT OR DISCHARGE.—

(A) INTRODUCTION.—On the first calendar day on which both Houses are in session on or immediately following the date on which a final report is submitted to Congress under subsection (h)(2), the implementation bill included in such report shall be introduced (by request)—

(i) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate; and

(ii) in the House of Representatives by the majority leader of the House of Representa-

tives, for himself and the minority leader of the House of Representatives, or by Members of the House of Representatives designated by the majority leader and minority leader of the House of Representatives.

(B) REFERRAL.—An implementation bill introduced under subparagraph (A) shall be referred to any appropriate committee of jurisdiction in the Senate and any appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House, but only without amendment.

(C) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(2) FLOOR CONSIDERATION.—

(A) IN GENERAL.—When the committee to which an implementation bill is referred has reported the bill, or has been discharged from further consideration of the bill under paragraph (1)(C), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the implementation bill, and all points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the implementation bill shall remain the unfinished business of the respective House until disposed of.

(B) AMENDMENTS.—An implementation bill may not be amended in the Senate or the House of Representatives.

(C) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(D) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the implementation bill shall occur.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to an implementation bill shall be decided without debate.

(3) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of an implementation bill of that House, that House receives from the other House an implementation bill, then the following procedures shall apply:

(A) NONREFERRAL.—The implementation bill of the other House shall not be referred to a committee.

(B) VOTE ON BILL OF OTHER HOUSE.—With respect to an implementation bill of the House receiving the implementation bill—

(i) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(ii) the vote on final passage shall be on the implementation bill of the other House.

(4) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(j) TERMINATION.—The Commission shall terminate on the date that is one day after the date on which it submits its third final report under subsection (h)(2).

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

(1) CALENDAR DAY.—The term “calendar day” means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(2) COMMISSION.—The term “Commission” means the Grace Commission II established by subsection (b).

(3) IMPLEMENTATION BILL.—The term “implementation bill” means only a bill that is introduced as provided under subsection (i)(1), and contains the proposed legislation described in subsection (h)(2)(B), without modification.

(4) MEMBER.—The term “member” means a member of the Commission appointed under subsection (d)(1)(A).

SA 256. Mr. HATCH 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; as follows:

At the end, add the following:

SEC. ____ . MAXIMUM PURCHASE LIMIT UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

Section 4103(b)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by striking “\$30,000,000,000” and inserting “\$18,000,000,000”.

SA 257. Mr. WHITEHOUSE 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; as follows:

At the end of title V, add the following:

SEC. 504. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 is amended by striking the period at the end of paragraph (5) and inserting “, and”, by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

“(5) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).”.

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) IMPORTED PROPERTY INCOME.—

“(1) IN GENERAL.—For purposes of subsection (a)(5), the term ‘imported property income’ means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

“(A) manufacturing, producing, growing, or extracting imported property;

“(B) the sale, exchange, or other disposition of imported property; or

“(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

“(2) IMPORTED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘imported property’ means property which is imported into the United States by the controlled foreign corporation or a related person.

“(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term ‘imported property’ includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

“(i) such property would be imported into the United States; or

“(ii) such property would be used as a component in other property which would be imported into the United States.

“(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term ‘imported property’ does not include any property which is imported into the United States and which—

“(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

“(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

“(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term ‘imported property’ does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

“(3) DEFINITIONS AND SPECIAL RULES.—

“(A) IMPORT.—For purposes of this subsection, the term ‘import’ means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

“(B) UNITED STATES.—For purposes of this subsection, the term ‘United States’ includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(C) UNRELATED PERSON.—For purposes of this subsection, the term ‘unrelated person’ means any person who is not a related person with respect to the controlled foreign corporation.

“(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term ‘foreign base company sales income’ shall not include any imported property income.”.

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) imported property income, and”.

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

“(I) IMPORTED PROPERTY INCOME.—The term ‘imported property income’ means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).”.

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) of such Code is amended by inserting “or imported property income” after “passive category income”.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

“(II) imported property income.”.

(2) The last sentence of paragraph (4) of section 954(b) of such Code is amended by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

(3) Paragraph (5) of section 954(b) of such Code is amended by striking “and the foreign base company oil related income” and inserting “the foreign base company oil related income, and the imported property income”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 31, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing will be to hear testimony on three items:

S. 629, to improve hydropower, and for other purposes.

S. 630, to promote marine and hydrokinetic renewable energy research and development, and for other purposes.

Title I, subtitle D of the American Clean Energy Leadership Act of 2009 (S. 1462 from 111th Congress).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by

sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Meagan_Gins@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224-5479 or Meagan Gins at (202) 224-0883.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 69, 70, 71, and 72, and all nominations placed on the Secretary's desk in the Coast Guard and NOAA; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The below named officer for appointment as Deputy Commandant for Operations of the United States Coast Guard, a position of importance and responsibility in the U.S. Coast Guard, to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Brian M. Salerno

The following named officer for appointment as Deputy Commandant for Mission Support of the United States Coast Guard, a position of importance and responsibility in the U.S. Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. John P. Currier

The following named officer for appointment in the United States Coast Guard, to the grade indicated while assigned to a position of importance and responsibility under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. Robert C. Parker

The following named officer for appointment in the United States Coast Guard, to the grade indicated while assigned to a position of importance and responsibility under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. Manson K. Brown

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN244 COAST GUARD nomination of Philip F. Brooking, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN245 COAST GUARD nominations (2) beginning IVAN R. MENESES, and ending WILLIAM A. SCHULZ, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.