

as cosponsors of S. 3361, a bill to require the Secretary of Defense to take illegal subsidization into account in evaluating proposals for contracts for major defense acquisition programs, and for other purposes.

S. 3362

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3362, a bill to amend the Clean Air Act to direct the Administrator of the Environmental Protection Agency to provide competitive grants to publicly funded schools to implement effective technologies to reduce air pollutants (as defined in section 302 of the Clean Air Act), including greenhouse gas emissions, in accordance with that Act.

S. 3372

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3372, a bill to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

AMENDMENT NO. 3920

At the request of Mr. HARKIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 3920 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3922

At the request of Mr. MERKLEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3922 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3931

At the request of Mr. MERKLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 3931 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the

financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3978

At the request of Mr. JOHNSON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 3978 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4091

At the request of Mr. JOHNSON, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 4091 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 4115

At the request of Mr. MERKLEY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Delaware (Mr. KAUFMAN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. BURRIS), the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. INOUE), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Colorado (Mr. UDALL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), the Senator from Rhode Island (Mr. REED), the Senator from Illinois (Mr. DURBIN), the Senator from Virginia (Mr. WEBB), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 4115 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Ms. MIKULSKI, Mr. MERKLEY, Mrs.

GILLIBRAND, Mr. KERRY, Mr. HARKIN, Mr. CASEY, Mrs. MURRAY, Mr. BINGAMAN, Mr. FEINGOLD, Mr. CARDIN, Mr. SANDERS, Ms. CANTWELL, Mr. BROWN of Ohio, Mr. DODD, Mr. BEGICH, Mr. DURBIN, Mr. LAUTENBERG, Mr. LEAHY, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. WYDEN, Mr. AKAKA, and Ms. KLOBUCHAR):

S. 3390. A bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRANKEN. Mr. President, all men are created equal. Our Nation's greatest leaders, like Thomas Jefferson, Susan B. Anthony, and Martin Luther King, Jr. have shaped the course of our history by furthering our understanding of this principle. It is because of their struggle to illuminate it that we now live under a system of laws that provides equal protection to Americans, regardless of their race, gender, or religion. It is because of their chutzpah that I, a Jew, can stand before you today as a United States Senator.

But there is one group for whom our realization of that principle has not advanced quickly enough. Gay Americans continue to be treated as second-class citizens in our society and under our laws. Nowhere is the unequal treatment of gay Americans more destructive than in our nation's public schools.

Currently, Federal law provides no explicit protection to gay students against discrimination and harassment. While Federal civil rights statutes prohibit discrimination and harassment against students based on race, sex, religion, and national origin, these laws do not explicitly address sexual orientation or gender identity.

To remedy this injustice, I and 22 of my Senate colleagues are introducing the Student Non-Discrimination Act today. This legislation will prohibit schools from discriminating against or ignoring the harassment of students based on their sexual orientation or gender identity. The bill would also provide meaningful remedies for such discrimination, modeled on Title IX.

These protections are sorely needed. Let me tell you a sad fact—nearly nine out of ten LGBT students are harassed in school. This harassment deprives them of an equal education. Rochelle, a gay high school student from California who was harassed in school, explains why with a simple question. She asks, "How was I supposed to learn when I was constantly scared?" For students like Rochelle, school is not a place to learn. Rather it is a place to be bullied, beaten down, and humiliated. It is no wonder that gay students who are harassed in school are more likely to skip school, underachieve, and eventually drop out.

In its worst form, the harassment of LGBT students can lead to life-threatening violence and suicide. We have

seen this in all too many high-profile cases in recent years, such as that of Carl Walker Hoover, an 11-year-old boy from Massachusetts who hung himself last April. Before he committed suicide, Carl was taunted by his classmates on a daily basis for allegedly being gay despite his mother's weekly pleas to his school to address the problem. Carl's death came only about a year after Lawrence King, an eighth grader in California, was shot and killed by a classmate for allegedly being gay.

To be clear, it is not simply students who are to blame for the harassment of their gay classmates. Students who harass their gay peers have often internalized the anti-gay bias of the adults around them. Sometimes their bullying is even condoned by adults at school—through the silence of school staff who witness the bullying or through their encouragement of the behavior.

This was certainly the case for Alex, a 16-year-old boy from Anoka, MN, whose teachers mocked him in front of his classmates for allegedly being gay. When Alex mentioned Benjamin Franklin in a paper, his social studies teacher taunted him for "having a thing for older men." A second teacher who taught a course on law enforcement volunteered Alex for a student fashion show, joking that Alex "loves to dress in women's clothes." Alex's peers soon caught on to the joke, and began taunting him too. The harassment grew so severe that Alex eventually switched schools.

Because Alex lives in Minnesota—one of 14 States that prohibit discrimination based on sexual orientation in school—Alex and his family were able to hold his school district accountable. They filed a complaint with the Minnesota Department of Human Rights. After the Department found that Alex had been subjected to "severe and pervasive" harassment, the school district settled the case. The district provided Alex and his family financial compensation, and adopted new rules to prevent the harassment of LGBT students.

Minnesota's law is effective not only because it holds school districts accountable for discrimination, but also because it provides a powerful incentive for districts to adopt policies to prevent discrimination from occurring in the first place.

It is time that we extend the equal rights afforded to Minnesota students to students all across the country. No student should be subjected to the ridicule and physical violence that LGBT students so often experience in school. I urge my colleagues to join me today in supporting the Student Non-Discrimination Act. It is time we demanded equal treatment for all of our children under the law.

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. 3390

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 "Student Nondiscrimination Act of 2010".

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds the following:

(1) Public school students who are lesbian, gay, bisexual, or transgender (referred to in this Act as "LGBT"), or are perceived to be LGBT, or who associate with LGBT people, have been and are subjected to pervasive discrimination, including harassment, bullying, intimidation, and violence, and have been deprived of equal educational opportunities, in schools in every part of the Nation.

(2) While discrimination, including harassment, bullying, intimidation, and violence, of any kind is harmful to students and to the education system, actions that target students based on sexual orientation or gender identity represent a distinct and especially severe problem.

(3) Numerous social science studies demonstrate that discrimination, including harassment, bullying, intimidation, and violence, at school has contributed to high rates of absenteeism, dropping out, adverse health consequences, and academic underachievement, among LGBT youth.

(4) When left unchecked, discrimination, including harassment, bullying, intimidation, and violence, in schools based on sexual orientation or gender identity can lead, and has led, to life-threatening violence and to suicide.

(5) Public school students enjoy a variety of constitutional rights, including rights to equal protection, privacy, and free expression, which are infringed when school officials engage in or are indifferent to discrimination, including harassment, bullying, intimidation, and violence, on the basis of sexual orientation or gender identity.

(6) While Federal statutory provisions expressly address discrimination on the basis of race, color, sex, religion, disability, and national origin, Federal civil rights statutes do not expressly address discrimination on the basis of sexual orientation or gender identity. As a result, students and parents have often had limited recourse to law for remedies for discrimination on the basis of sexual orientation or gender identity.

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

(1) to ensure that all students have access to public education in a safe environment free from discrimination, including harassment, bullying, intimidation, and violence, on the basis of sexual orientation or gender identity;

(2) to provide a comprehensive Federal prohibition of discrimination in public schools based on actual or perceived sexual orientation or gender identity;

(3) to provide meaningful and effective remedies for discrimination in public schools based on actual or perceived sexual orientation or gender identity; and

(4) to invoke congressional powers, including the power to enforce the 14th amendment to the Constitution and to provide for the general welfare pursuant to section 8 of article I of the Constitution and the power to make all laws necessary and proper for the execution of the foregoing powers pursuant to section 8 of article I of the Constitution, in order to prohibit discrimination in public schools on the basis of sexual orientation or gender identity.

SEC. 3. DEFINITIONS AND RULE.

(a) **DEFINITIONS.**—For purposes of this Act:

(1) **EDUCATIONAL AGENCY.**—The term "educational agency" means a local educational

agency, an educational service agency, and a State educational agency, as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **GENDER IDENTITY.**—The term "gender identity" means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

(3) **HARASSMENT.**—The term "harassment" means conduct that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a program or activity of a public school or educational agency, or to create a hostile or abusive educational environment at a program or activity of a public school or educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility, if such conduct is based on—

(A) a student's actual or perceived sexual orientation or gender identity; or

(B) the actual or perceived sexual orientation or gender identity of a person with whom a student associates or has associated.

(4) **PROGRAM OR ACTIVITY.**—The terms "program or activity" and "program" have the same meanings given such terms as applied under section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a) to the operations of public entities under paragraph (2)(B) of such section.

(5) **PUBLIC SCHOOL.**—The term "public school" means an elementary school (as the term is defined in section 9101 of the Elementary and Secondary Education Act of 1965) that is a public institution, and a secondary school (as so defined) that is a public institution.

(6) **SEXUAL ORIENTATION.**—The term "sexual orientation" means homosexuality, heterosexuality, or bisexuality.

(7) **STUDENT.**—The term "student" means an individual who is enrolled in a public school or who, regardless of official enrollment status, attends classes or participates in the programs or activities of a public school or educational agency.

(b) **RULE.**—Consistent with Federal law, in this Act the term "includes" means "includes but is not limited to".

SEC. 4. PROHIBITION AGAINST DISCRIMINATION.

(a) **IN GENERAL.**—No student shall, on the basis of actual or perceived sexual orientation or gender identity of such individual or of a person with whom the student associates or has associated, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(b) **HARASSMENT.**—For purposes of this Act, discrimination includes harassment of a student on the basis of actual or perceived sexual orientation or gender identity of such student or of a person with whom the student associates or has associated.

(c) **RETALIATION PROHIBITED.**—

(1) **PROHIBITION.**—No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination, retaliation, or reprisal under any program or activity receiving Federal financial assistance based on the person's opposition to conduct made unlawful by this Act.

(2) **DEFINITION.**—For purposes of this subsection, "opposition to conduct made unlawful by this Act" includes—

(A) opposition to conduct reasonably believed to be made unlawful by this Act;

(B) any formal or informal report, whether oral or written, to any governmental entity, including public schools and educational agencies and employees of the public schools

or educational agencies, regarding conduct made unlawful by this Act or reasonably believed to be made unlawful by this Act;

(C) participation in any investigation, proceeding, or hearing related to conduct made unlawful by this Act or reasonably believed to be made unlawful by this Act; and

(D) assistance or encouragement provided to any other person in the exercise or enjoyment of any right granted or protected by this Act.

if in the course of that expression, the person involved does not purposefully provide information known to be false to any public school or educational agency or other governmental entity regarding conduct made unlawful, or reasonably believed to be made unlawful, by this Act.

SEC. 5. FEDERAL ADMINISTRATIVE ENFORCEMENT; REPORT TO CONGRESSIONAL COMMITTEES.

(a) **REQUIREMENTS.**—Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 4 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

(b) **ENFORCEMENT.**—Compliance with any requirement adopted pursuant to this section may be effected—

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found; or

(2) by any other means authorized by law, except that no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

(c) **REPORTS.**—In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House of Representatives and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until 30 days have elapsed after the filing of such report.

SEC. 6. CAUSE OF ACTION.

(a) **CAUSE OF ACTION.**—Subject to subsection (c), an aggrieved individual may bring an action in a court of competent jurisdiction, asserting a violation of this Act. Aggrieved individuals may be awarded all appropriate relief, including equitable relief, compensatory damages, and costs of the action.

(b) **RULE OF CONSTRUCTION.**—This section shall not be construed to preclude an aggrieved individual from obtaining remedies under any other provision of law or to require such individual to exhaust any admin-

istrative complaint process or notice of claim requirement before seeking redress under this section.

(c) **STATUTE OF LIMITATIONS.**—For actions brought pursuant to this section, the statute of limitations period shall be determined in accordance with section 1658(a) of title 28, United States Code. The tolling of any such limitations period shall be determined in accordance with the law governing actions under section 1979 of the Revised Statutes (42 U.S.C. 1983) in the State in which the action is brought.

SEC. 7. STATE IMMUNITY.

(a) **STATE IMMUNITY.**—A State shall not be immune under the 11th amendment to the Constitution from suit in Federal court for a violation of this Act.

(b) **WAIVER.**—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment or otherwise, to a suit brought by an aggrieved individual for a violation of section 4.

(c) **REMEDIES.**—In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

SEC. 8. ATTORNEY'S FEES.

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting "the Student Nondiscrimination Act of 2010," after "Religious Land Use and Institutionalized Persons Act of 2000,".

SEC. 9. EFFECT ON OTHER LAWS.

(a) **FEDERAL AND STATE NONDISCRIMINATION LAWS.**—Nothing in this Act shall be construed to preempt, invalidate, or limit rights, remedies, procedures, or legal standards available to victims of discrimination or retaliation, under any other Federal law or law of a State or political subdivision of a State, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or section 1979 of the Revised Statutes (42 U.S.C. 1983). The obligations imposed by this Act are in addition to those imposed by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 1979 of the Revised Statutes (42 U.S.C. 1983).

(b) **FREE SPEECH AND EXPRESSION LAWS AND RELIGIOUS STUDENT GROUPS.**—Nothing in this Act shall be construed to alter legal standards regarding, or affect the rights available to individuals or groups under, other Federal laws that establish protections for freedom of speech and expression, such as legal standards and rights available to religious and other student groups under the first amendment and the Equal Access Act (20 U.S.C. 4071 et seq.).

SEC. 10. SEVERABILITY.

If any provision of this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provision to any other person or circumstance shall not be impacted.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of enactment of this Act and shall not apply to conduct occurring before the effective date of this Act.

Mr. LEAHY. Mr. President, I am proud to join Senator FRANKEN in sponsoring the Student Non-Discrimination Act of 2010, SNDA, an important step in our march toward a more inclusive Nation. This bill continues the civil rights work we began earlier this Congress when I offered the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act as an amendment to the defense authorization bill last year. The Student Non-Discrimination Act will ensure that under Federal law, all public school children are protected equally from discrimination. Children deserve a safe environment where they can learn the skills and knowledge necessary to be good citizens.

More than 55 years ago, in the landmark case of *Brown v. Board of Education*, the Supreme Court reaffirmed our Nation's commitment to justice and equal rights for all Americans by ending racial segregation in our public schools. A unanimous Court recognized that "it is doubtful that any child may reasonably be expected to succeed in life if he [or she] is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

Congress continued on the path of progress by passing laws like the Civil Rights Act of 1964, the Education Amendments of 1972, and the Rehabilitation Act of 1973. These laws protected students in federally-funded public schools from discrimination and harassment based on race, national origin, sex, and disability. President John F. Kennedy said in 1963, "Simple justice requires that public funds, to which all taxpayers . . . contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in . . . discrimination."

Tragically, for far too long, U.S. taxpayer dollars have gone to public school systems that tolerate or perpetuate discrimination, harassment, and even violence based on sexual orientation and gender identity. To paraphrase Dr. Martin Luther King, Jr., "now is the time to make justice a reality" for all of our children—now is the time for Congress to extend existing Federal protections against discrimination to all public school students.

The legislation we introduce today does just that by prohibiting discrimination and harassment based on actual or perceived sexual orientation and gender identity in public, non-religious, federally-funded schools.

Vermont has recognized the importance of creating a safe school environment for our children. In 1993, the State legislature enacted a law to protect school children from harassment based on sexual orientation, and in 2007, the law was strengthened to protect against harassment based on gender identity. Nine other States and the District of Columbia protect school children from discrimination based on

gender identity and sexual orientation. This legislation makes clear that it would not preempt state laws such as those in Vermont, which provide additional protections and remedies.

The Student Non-Discrimination Act also preserves our First Amendment freedoms of expression and religion. The bill is narrowly tailored to comply with the Supreme Court's First Amendment precedents. It includes provisions that explicitly exempt parochial schools, and to make clear that religious groups in public schools continue to be protected by the First Amendment and the Equal Access Act.

I urge all Senators to come together to support this important bill to ensure that all of our students are given the opportunity to succeed, free from harassment or discrimination.

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

S. 3394. A bill to establish the veterans' business center program, to improve the programs for veterans of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to introduce the Strengthening Entrepreneurship for America's Veterans Act of 2010. This vital and timely legislation builds upon the Small Business Administration's, SBA, existing counseling programs that successfully assist hundreds of thousands of veterans, service-disabled veterans and reservists annually, creating thousands of jobs. By strengthening and improving these programs, the SBA will be able to reach even more veterans, helping them to achieve their dream of starting or growing their own small businesses.

According to the Department of Veteran Affairs, there are currently more than 23.8 million veterans in the United States. Since 2001 alone, more than 2 million of these servicemembers have been deployed in support of Operation Enduring Freedom and Operation Iraqi Freedom. This means that every day, hundreds of new veterans are returning home from service in Iraq and Afghanistan. Seeking to move on with their lives after long deployments, many veterans become entrepreneurs to support both themselves and their families.

However, in the face of historically high unemployment and tight credit, starting a business has never been more difficult. During the 11th Congress, the Committee has heard from many small business owners throughout the country. They have told me that the programs and services currently offered by SBA provide access to important resources that enable them to start, grow and expand their businesses. But in the face of the worst economic recession since the Great Depression, demand for these services is at an all time high. For these reasons,

it is critical that we do more to help our entrepreneurs and small businesses, especially the hundreds of veterans returning home each day who are significantly more likely to struggle to find work.

That is why today I am introducing the Strengthening Entrepreneurship for America's Veterans Act of 2010. Since the passage of legislation establishing the Office of Veterans Business Development, OVBD, in 1999, the SBA has operated a network of centers and programs that provide technical assistance and support to veterans interested in starting or growing their own small businesses. This legislation will further enhance and improve these existing programs by providing more increased access to business counseling and technical assistance through a new network of Veterans Business Centers, modeled after the successful Small Business Development Centers, SBDC, and Women's Business Centers, WBC, programs. The Veterans Business Center Program will not only provide services to returning veterans and service-disabled veterans, but also to the families, spouses and surviving spouses of these heroic men and women.

In closing, I would like to thank Senator SNOWE for her continued leadership on small business issues and especially for her cosponsorship of this important legislation. Senator SNOWE has been a tireless advocate for the many veterans and reservists in her home state of Maine and I am pleased to have her support on this legislation.

I would also note that many of the provisions in this bill were included in S. 1229, the Entrepreneurial Development Act of 2009, which I introduced earlier this Congress with Senator SNOWE's support. S. 1229 passed out of Committee with unanimous and bipartisan support in June of 2009. However, given the importance of this legislation to our more than 23 million veterans, I have decided to reintroduce these provisions as a standalone bill. I look forward to working with my colleagues in the Senate to bring this legislation to the President's desk in the coming months.

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. 3394

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 "Strengthening Entrepreneurship for America's Veterans Act of 2010".

SEC. 2. VETERANS' BUSINESS CENTER PROGRAM; OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by striking subsection (f) and inserting the following:

“(f) ONLINE COORDINATION.—

“(1) DEFINITION.—In this subsection, the term ‘veterans’ assistance provider’ means—

“(A) a veterans’ business center established under subsection (g);

“(B) an employee of the Administration assigned to the Office of Veterans Business Development; and

“(C) a veterans business ownership representative designated under subsection (g)(13)(B).

“(2) ESTABLISHMENT.—The Associate Administrator shall establish an online mechanism to—

“(A) provide information that assists veterans’ assistance providers in carrying out the activities of the veterans’ assistance providers; and

“(B) coordinate and leverage the work of the veterans’ assistance providers, including by allowing a veterans’ assistance provider to—

“(i) distribute best practices and other materials;

“(ii) communicate with other veterans’ assistance providers regarding the activities of the veterans’ assistance provider on behalf of veterans; and

“(iii) pose questions to and request input from other veterans’ assistance providers.

“(g) VETERANS’ BUSINESS CENTER PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘active duty’ has the meaning given that term in section 101 of title 10, United States Code;

“(B) the term ‘private nonprofit organization’ means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

“(C) the term ‘Reservist’ means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

“(D) the term ‘Service Corps of Retired Executives’ means the Service Corps of Retired Executives authorized under section 8(b)(1);

“(E) the term ‘small business concern owned and controlled by veterans’—

“(i) has the same meaning as in section 3(q); and

“(ii) includes a small business concern—

“(I) not less than 51 percent of which is owned by one or more spouses of veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more spouses of veterans; and

“(II) the management and daily business operations of which are controlled by one or more spouses of veterans;

“(F) the term ‘spouse’, relating to a veteran, service-disabled veteran, or Reservist, includes an individual who is the spouse of a veteran, service-disabled veteran, or Reservist on the date on which the veteran, service-disabled veteran, or Reservist died;

“(G) the term ‘veterans’ business center program’ means the program established under paragraph (2)(A); and

“(H) the term ‘women’s business center’ means a women’s business center described in section 29.

“(2) PROGRAM ESTABLISHED.—

“(A) IN GENERAL.—The Administrator, acting through the Associate Administrator, shall establish a veterans’ business center program, under which the Associate Administrator may provide financial assistance to a private nonprofit organization to conduct a 5-year project for the benefit of small business concerns owned and controlled by veterans, which may be renewed for one or more additional 5-year periods.

“(B) FORM OF FINANCIAL ASSISTANCE.—Financial assistance under this subsection may be in the form of a grant, a contract, or a cooperative agreement.

“(3) VETERANS’ BUSINESS CENTERS.—Each private nonprofit organization that receives

financial assistance under this subsection shall establish or operate a veterans' business center (which may include establishing or operating satellite offices in the region described in paragraph (5) served by that private nonprofit organization) that provides to veterans (including service-disabled veterans), Reservists, and the spouses of veterans (including service-disabled veterans) and Reservists—

“(A) financial advice, including training and counseling on applying for and securing business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a small business concern;

“(B) management advice, including training and counseling on the planning, organization, staffing, direction, and control of each major activity and function of a small business concern;

“(C) marketing advice, including training and counseling on identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and using public relations and advertising techniques; and

“(D) advice, including training and counseling, for Reservists and the spouses of Reservists.

“(4) APPLICATION.—

“(A) IN GENERAL.—A private nonprofit organization desiring to receive financial assistance under this subsection shall submit an application to the Associate Administrator at such time and in such manner as the Associate Administrator may require.

“(B) 5-YEAR PLAN.—Each application described in subparagraph (A) shall include a 5-year plan on proposed fundraising and training activities relating to the veterans' business center.

“(C) DETERMINATION AND NOTIFICATION.—Not later than 60 days after the date on which a private nonprofit organization submits an application under subparagraph (A), the Associate Administrator shall approve or deny the application and notify the applicant of the determination.

“(D) AVAILABILITY OF APPLICATION.—The Associate Administrator shall make every effort to make the application under subparagraph (A) available online.

“(5) ELIGIBILITY.—The Associate Administrator may select to receive financial assistance under this subsection—

“(A) a Veterans Business Outreach Center established by the Administrator under section 8(b)(17) on or before the day before the date of enactment of this subsection; or

“(B) private nonprofit organizations located in various regions of the United States, as the Associate Administrator determines is appropriate.

“(6) SELECTION CRITERIA.—

“(A) IN GENERAL.—The Associate Administrator shall establish selection criteria, stated in terms of relative importance, to evaluate and rank applicants under paragraph (5)(C) for financial assistance under this subsection.

“(B) CRITERIA.—The selection criteria established under this paragraph shall include—

“(i) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of veterans, and the spouses of veterans, who own or may own small business concerns;

“(ii) for an applicant for initial financial assistance under this subsection—

“(I) the ability of the applicant to begin operating a veterans' business center within a minimum amount of time; and

“(II) the geographic region to be served by the veterans business center;

“(iii) the demonstrated ability of the applicant to—

“(I) provide managerial counseling and technical assistance to entrepreneurs; and

“(II) coordinate services provided by veterans services organizations and other public or private entities; and

“(iv) for any applicant for a renewal of financial assistance under this subsection, the results of the most recent examination under paragraph (10) of the veterans' business center operated by the applicant.

“(C) CRITERIA PUBLICLY AVAILABLE.—The Associate Administrator shall—

“(i) make publicly available the selection criteria established under this paragraph; and

“(ii) include the criteria in each solicitation for applications for financial assistance under this subsection.

“(7) AMOUNT OF ASSISTANCE.—The amount of financial assistance provided under this subsection to a private nonprofit organization for each fiscal year shall be—

“(A) not less than \$150,000; and

“(B) not more than \$200,000.

“(8) FEDERAL SHARE.—

“(A) IN GENERAL.—

“(i) INITIAL FINANCIAL ASSISTANCE.—Except as provided in clause (ii) and subparagraph (B), a private nonprofit organization that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans business center established by the private nonprofit organization in an amount equal to—

“(I) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

“(II) in each of the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

“(ii) RENEWALS.—A private nonprofit organization that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of the veterans business center established by the private nonprofit organization in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

“(B) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share for a project carried out using financial assistance under this subsection may be in the form of in-kind contributions.

“(C) TIMING OF DISBURSEMENT.—The Associate Administrator may disburse not more than 25 percent of the financial assistance awarded to a private nonprofit organization before the private nonprofit organization obtains the non-Federal share required under this paragraph with respect to that award.

“(D) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—

“(i) IN GENERAL.—If a private nonprofit organization that receives financial assistance under this subsection fails to obtain the non-Federal share required under this paragraph during any fiscal year, the private nonprofit organization may not receive a disbursement under this subsection in a subsequent fiscal year or a disbursement for any other project funded by the Administration, unless the Administrator makes a written determination that the private nonprofit organization will be able to obtain a non-Federal contribution.

“(ii) RESTORATION.—A private nonprofit organization prohibited from receiving a disbursement under clause (i) in a fiscal year may receive financial assistance in a subsequent fiscal year if the organization obtains the non-Federal share required under this paragraph for the subsequent fiscal year.

“(E) WAIVER OF NON-FEDERAL SHARE.—

“(i) IN GENERAL.—Upon request by a private nonprofit organization, and in accordance with this subparagraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under subparagraph (A) for a fiscal year. The Administrator may not waive the requirement for a private nonprofit organization to obtain non-Federal funds under this subparagraph for more than a total of 2 fiscal years.

“(ii) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this subparagraph, the Administrator shall consider—

“(I) the economic conditions affecting the private nonprofit organization;

“(II) the impact a waiver under this subparagraph would have on the credibility of the veterans' business center program;

“(III) the demonstrated ability of the private nonprofit organization to raise non-Federal funds; and

“(IV) the performance of the private nonprofit organization.

“(iii) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this subparagraph if granting the waiver would undermine the credibility of the veterans' business center program.

“(9) CONTRACT AUTHORITY.—A veterans' business center may enter into a contract with a Federal department or agency to provide specific assistance to veterans, service-disabled veterans, Reservists, or the spouses of veterans, service-disabled veterans, or Reservists. Performance of such contract shall not hinder the veterans' business center in carrying out the terms of the grant received by the veterans' business centers from the Administrator.

“(10) EXAMINATION AND DETERMINATION OF VIABILITY.—

“(A) EXAMINATION.—

“(i) IN GENERAL.—The Associate Administrator shall conduct an annual examination of the programs and finances of each veterans' business center established or operated using financial assistance under this subsection.

“(ii) FACTORS.—In conducting the examination under clause (i), the Associate Administrator shall consider whether the veterans business center has failed—

“(I) to provide the information required to be provided under subparagraph (B), or the information provided by the center is inadequate;

“(II) the center has failed to comply with a requirement for participation in the veterans' business center program, as determined by the Assistant Administrator, including—

“(aa) failure to acquire or properly document a non-Federal share;

“(bb) failure to establish an appropriate partnership or program for marketing and outreach to small business concerns;

“(cc) failure to achieve results described in a financial assistance agreement; and

“(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

“(III) to carry out the 5-year plan under in paragraph (4)(B); or

“(IV) to meet the eligibility requirements under paragraph (5).

“(B) INFORMATION PROVIDED.—In the course of an examination under subparagraph (A), the veterans' business center shall provide to the Associate Administrator—

“(i) an itemized cost breakdown of actual expenditures for costs incurred during the most recent full fiscal year;

“(ii) documentation of the amount of non-Federal contributions obtained and expended

by the veterans' business center during the most recent full fiscal year; and

“(iii) with respect to any in-kind contribution under paragraph (8)(B), verification of the existence and valuation of such contributions.

“(C) DETERMINATION OF VIABILITY.—The Associate Administrator shall analyze the results of each examination under this paragraph and, based on that analysis, make a determination regarding the viability of the programs and finances of each veterans' business center.

“(D) DISCONTINUATION OF FUNDING.—

“(i) IN GENERAL.—The Associate Administrator may discontinue an award of financial assistance to a private nonprofit organization at any time if the Associate Administrator determines under subparagraph (C) that the veterans' business center operated by that organization is not viable.

“(ii) RESTORATION.—The Associate Administrator may continue to provide financial assistance to a private nonprofit organization in a subsequent fiscal year if the Associate Administrator determines under subparagraph (C) that the veterans' business center is viable.

“(11) PRIVACY REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a veterans' business center established or operated using financial assistance provided under this subsection may not disclose the name, address, or telephone number of any individual or small business concern that receives advice from the veterans' business center without the consent of the individual or small business concern.

“(B) EXCEPTION.—A veterans' business center may disclose information described in subparagraph (A)—

“(i) if the Administrator or Associate Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

“(ii) to the extent that the Administrator or Associate Administrator determines that such a disclosure is necessary to conduct a financial audit of a veterans' business center.

“(C) ADMINISTRATION USE OF INFORMATION.—This paragraph does not—

“(i) restrict access by the Administrator to program activity data; or

“(ii) prevent the Administrator from using information not described in subparagraph (A) to conduct surveys of individuals or small business concerns that receive advice from a veterans' business center.

“(D) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures under subparagraph (B)(ii).

“(12) REPORT.—

“(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the veterans' business center program in each region during the most recent full fiscal year.

“(B) CONTENTS.—Each report under this paragraph shall include, at a minimum, for each veterans' business center established or operated using financial assistance provided under this subsection—

“(i) the number of individuals receiving assistance from the veterans' business center, including the number of such individuals who are—

“(I) veterans or spouses of veterans;

“(II) service-disabled veterans or spouses of service-disabled veterans; or

“(III) Reservists or spouses of Reservists;

“(ii) the number of startup small business concerns formed by individuals receiving assistance from the veterans' business center, including—

“(I) veterans or spouses of veterans;

“(II) service-disabled veterans or spouses of service-disabled veterans; or

“(III) Reservists or spouses of Reservists;

“(iii) the gross receipts of small business concerns that receive advice from the veterans' business center;

“(iv) the employment increases or decreases of small business concerns that receive advice from the veterans' business center;

“(v) to the maximum extent practicable, the increases or decreases in profits of small business concerns that receive advice from the veterans' business center; and

“(vi) the results of the examination of the veterans' business center under paragraph (10).

“(13) COORDINATION OF EFFORTS AND CONSULTATION.—

“(A) COORDINATION AND CONSULTATION.—To the extent practicable, the Associate Administrator and each private nonprofit organization that receives financial assistance under this subsection shall—

“(i) coordinate outreach and other activities with other programs of the Administration and the programs of other Federal agencies;

“(ii) consult with technical representatives of the district offices of the Administration in carrying out activities using financial assistance under this subsection; and

“(iii) provide information to the veterans business ownership representatives designated under subparagraph (B) and coordinate with the veterans business ownership representatives to increase the ability of the veterans business ownership representatives to provide services throughout the area served by the veterans business ownership representatives.

“(B) VETERANS BUSINESS OWNERSHIP REPRESENTATIVES.—

“(i) DESIGNATION.—The Administrator shall designate not fewer than 1 individual in each district office of the Administration as a veterans business ownership representative, who shall communicate and coordinate activities of the district office with private nonprofit organizations that receive financial assistance under this subsection.

“(ii) INITIAL DESIGNATION.—The first individual in each district office of the Administration designated by the Administrator as a veterans business ownership representative under clause (i) shall be an individual that is employed by the Administration on the date of enactment of this subsection.

“(14) EXISTING CONTRACTS.—An award of financial assistance under this subsection shall not void any contract between a private nonprofit organization and the Administration that is in effect on the date of such award.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to carry out subsections (a) through (f), \$2,000,000 for each of fiscal years 2011 through 2013; and

“(2) to carry out subsection (g)—

“(A) \$8,000,000 for fiscal year 2011;

“(B) \$8,500,000 for fiscal year 2012; and

“(C) \$9,000,000 for fiscal year 2013.”.

(b) GAO REPORTS.—

(1) DEFINITIONS.—In this subsection—

(A) the terms “small business concern” and “veteran” have the meanings given those terms under section 3 of the Small Business Act (15 U.S.C. 632); and

(B) the terms “Reservist”, “small business concern owned and controlled by veterans”, and “veterans' business center program” have the meanings given those terms in sec-

tion 32(g) of the Small Business Act, as added by this section.

(2) REPORT ON ACCESS TO CREDIT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report regarding the ability of small business concern owned and controlled by veterans to access credit to—

(i) the Committee on Veterans' Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Veterans' Affairs and the Committee on Small Business of the House of Representatives.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include an analysis of—

(i) the sources of credit used by small business concerns owned and controlled by veterans and percentage of the credit obtained by small business concern owned and controlled by veterans that is obtained from each source;

(ii) the default rate for small business concerns owned and controlled by veterans separately for each source of credit described in clause (i), as compared to the default rate for the source of credit for small business concerns generally;

(iii) the Federal lending programs available to provide credit to small business concerns owned and controlled by veterans;

(iv) gaps, if any, in the availability of credit for small business concerns owned and controlled by veterans that are not being filled by the Federal Government or private sources;

(v) obstacles faced by veterans in trying to access credit;

(vi) the extent to which deployment and other military responsibilities affect the credit history of veterans and Reservists; and

(vii) the extent to which veterans are aware of Federal programs targeted towards helping veterans access credit.

(3) REPORT ON VETERANS' BUSINESS CENTER PROGRAM.—

(A) IN GENERAL.—Not later than 60 days after the end of the second fiscal year beginning after the date on which the veterans' business center program is established, the Comptroller General of the United States shall evaluate the effectiveness of the veterans' business center program, and submit to Congress a report on the results of that evaluation.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) an assessment of—

(I) the use of amounts made available to carry out the veterans' business center program;

(II) the effectiveness of the services provided by each private nonprofit organization receiving financial assistance under the veterans' business center program;

(III) whether the services described in clause (ii) are duplicative of services provided by other veteran service organizations, programs of the Small Business Administration, or programs of another Federal department or agency and, if so, recommendations regarding how to alleviate the duplication of the services; and

(IV) whether there are areas of the United States in which there are not adequate entrepreneurial services for small business concerns owned and controlled by veterans and, if so, whether there is a veterans' business center established under the veterans' business center program providing services to that area; and

(ii) recommendations, if any, for improving the veteran's business center program.

SEC. 3. REPORTING REQUIREMENT FOR INTER-AGENCY TASK FORCE.

Section 32(c) of the Small Business Act (15 U.S.C. 657b(c)) is amended by adding at the end the following:

“(4) REPORT.—Not less frequently than twice each year, the Administrator shall submit to Congress a report on the appointments made to and activities of the task force.”

SEC. 4. REPEAL AND RENEWAL OF GRANTS.

(a) DEFINITION.—In this section, the term “covered grant, contract, or cooperative agreement” means a grant, contract, or cooperative agreement that was—

(1) made or entered into under section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)); and

(2) in effect on or before the date described in subsection (b)(2).

(b) REPEAL.—

(1) IN GENERAL.—Section 8(b) of the Small Business Act (15 U.S.C. 637(b)) is amended—

(A) in paragraph (15), by adding “and” at the end;

(B) in paragraph (16), by striking “; and” and inserting a period; and

(C) by striking paragraph (17).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) TRANSITIONAL RULES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered grant, contract, or cooperative agreement shall remain in full force and effect under the terms, and for the duration, of the covered grant, contract, or agreement.

(2) ADDITIONAL REQUIREMENTS.—Any organization that was awarded or entered into a covered grant, contract, or cooperative agreement shall be subject to the requirements of section 32(g) of the Small Business Act (15 U.S.C. 657b(g)) (as added by this Act).

(d) RENEWAL OF FINANCIAL ASSISTANCE.—An organization that was awarded or entered into a covered grant, contract, or cooperative agreement may apply for a renewal of the grant, contract, or agreement under the terms and conditions described in section 32(g) of the Small Business Act (15 U.S.C. 657b(g)) (as added by this Act).

Ms. SNOWE. Mr. President, I rise today, along with Senator MARY LANDRIEU, Chair of the Senate Committee on Small Business and Entrepreneurship, to introduce the Strengthening Entrepreneurship for America's Veterans Act. This critical legislation, which is a slightly modified version of language we included in S. 1229, the Entrepreneurial Development Act of 2009, will establish a nationwide Veterans' Business Center program, housed at the Small Business Administration, or SBA, to tailor counseling and outreach programs for aspiring veteran entrepreneurs. This program will build on the extraordinary work of the SBA's Office of Veterans Business Development, headed by Bill Elmore, which currently oversees eight such centers and last year counseled or trained over 120,000 veterans.

According to the Department of Veteran Affairs, almost 2 million brave American men and women have deployed to Afghanistan and Iraq since the beginning of combat operations in September 2001, nearly 1.2 million of whom are now veterans. Regrettably, the unemployment rate among these veterans stands at 13.1 percent over

three percentage points higher than the national average. It is critical that when our Nation's service-members return from duty, they receive the assistance they deserve to seamlessly assimilate back to civilian life.

Many of these veterans are aspiring entrepreneurs seeking to open their own business and live the American dream. To assist them in their efforts, our legislation establishes a Veterans' Business Center program to create a nationwide network of entrepreneurial assistance centers for veterans and reservists, along with their spouses and surviving spouses. Each center would receive an annual grant between \$150,000 and \$200,000 for a 5-year period, followed by the opportunity for additional 5-year renewal periods. These centers would provide specific education, training, advice, and counseling tailored to eligible individuals regarding financing planning and access to capital; management and business operations; marketing and advertising; procurement and contracting opportunities; and other general small business opportunities for reservists and their spouses.

Furthermore, each district office under the auspices of the SBA would be required to designate one employee to serve as a “veterans business ownership representative” responsible for increasing coordination between that region's Veterans' Business Center and SBA district office, to leverage resources and perform outreach to a greater number of veterans.

Additionally, our legislation will ensure proper oversight of the recently formed Interagency Task Force on Veterans Small Business Development by requiring the SBA to issue biennial reports to Congress regarding the establishment and progress of this body. This task force was included in the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act which Senator JOHN KERRY and I fought for last Congress and which was signed into law by former President George W. Bush on February 14, 2008. After more than 2 years of delay, the task force was finally established by Executive Order on April 26 of this year.

The purpose of the task force is to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting opportunities to, small businesses owned and controlled by veterans. Given that we are fast approaching the ninth anniversary of the commencement of Operation Enduring Freedom, this type of coordinated and targeted effort by our Federal government is long overdue.

Finally, our bill includes several additional reporting requirements to ensure that the Veterans' Business Center program is being administered effectively and providing truly unique and proper resources, counseling, assistance, and training to veterans. Be-

cause credit to small businesses remains stifled, one of these reports will explore the sources of credit utilized by veteran-owned small businesses, obstacles faced by veterans trying to access credit, and the extent to which deployment and other military responsibilities affect the credit history of veterans and reservists. This crucial report will provide a detailed picture of the access to credit landscape confronting veteran entrepreneurs, and will afford us an opportunity to make necessary policy changes that alleviate any challenges they face.

As our service-members and reservists answer our Nation's call to duty, we must similarly fulfill our obligations to help protect their livelihood back home. That is why I am pleased to be introducing this critical legislation today with Chair LANDRIEU, and I pledge to push for its passage before the end of this Congress.

Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. BURRIS, and Ms. STABENOW):

S. 3395. A bill to provide cost-sharing assistance to improve access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about the Renewable Energy Market Access Program Act, or REMAP Act, which I introduced to help grow American renewable energy and energy efficiency exports abroad. This bill would help small- and medium-sized renewable energy businesses promote, export and ultimately penetrate foreign markets.

I know my colleagues are well aware of the importance of exports to our Nation's economy, as evidenced by their support for efforts to increase American competitiveness abroad. I am also encouraged by the President's National Export Initiative and its goal to double American exports over the next five years. This effort will be critical to a full economic recovery and I encourage the administration to continue its work; however, I believe that we need to do more to support a sector that shows tremendous growth potential.

In 2009, \$162 billion was invested in clean energy worldwide, and it is estimated that this investment will increase to \$200 billion in 2010. Additionally, 90 percent of worldwide investments in renewable energy goods occur in G-20 countries and the developing world is projected to comprise 80 percent of the world's future energy demand. While I continue in my belief that the United States must remain competitive in both public and private domestic investments in renewable energy, I also believe that we cannot ignore the growing potential for American businesses to access markets abroad. Growing private and public investment in the global economy means

growing markets for American companies of all sizes here at home—which translates into sustainable, well-paying jobs. In this economic climate, I know the most important thing on everyone's mind—Democrats and Republicans alike—is putting people back to work. However, those small- and medium-sized businesses and companies, which are the engine for our domestic economy, are likely to need more assistance in accessing these growing foreign renewable energy markets. This is why I have filed legislation that focuses on equipping small- and medium-sized enterprises with the tools they need to access foreign markets and thereby strengthening our domestic economy and creating jobs.

My legislation would support the promotion of American renewable energy and energy efficiency products abroad by creating a Renewable Energy Market Access Program or REMAP. Through REMAP, trade associations and State-regional trade groups would apply to the U.S. Department of Commerce and enter into cooperative agreements to provide marketing and trade assistance to small and medium-sized companies in the renewable energy and energy efficiency sectors. The assistance would help facilitate the export of their goods to existing and new foreign markets. The agreements would also offer eligible participants an opportunity to share the costs related to innovative marketing and promotion activities. The public funding for any one application would never exceed 50 percent of the total cost of the proposal, ensuring buy-in from the applicant and an ongoing working relationship with the Department of Commerce. In sum, this bill will help streamline access to the global marketplace for small business and help promote American renewable energy and energy efficiency products overseas.

I would like to highlight a sector in the renewable energy industry that could make good use of the REMAP program and in turn help strengthen the American clean energy manufacturing sector. The small wind sector is just one renewable energy area that has recently experienced strong growth and has great potential. According to industry statistics, the U.S. small wind market grew by 15 percent in 2009 despite our economic challenges. What has been even more encouraging is that approximately 95 percent of units sold in the U.S. in 2009 were produced by U.S. manufacturers. Not only is the U.S. small wind industry working to meet our growing domestic appetite for small-wind generation, it is also poised to be a growing force in the global market. In 2009, U.S. manufacturers accounted for 47 percent of global small wind sales and exports accounted for approximately 36 percent of U.S. manufacturers' sales, which represents an eight percent increase from 2008. As countries develop energy policies that drive investment in their renewable en-

ergy economy, our domestic renewable energy industry will see its potential to export grow. The question that remains is: how do we ensure that American small wind producers realize their full potential to help meet the global demand for the goods they produce? The answer is through efforts to promote U.S. renewable energy and energy efficiency products abroad. I believe that the U.S. can grow as a leader, not just in small wind, but in all sectors of renewable energy and I believe that REMAP can help take us there.

I want to be clear that I strongly believe that this legislation is an important step in the right direction to support a growing industry, but I want to acknowledge that there is more that needs to be done to ensure that our country's renewable energy goods have fair access to foreign markets. Congress must find sensible policy mechanisms to address the unfair trade barriers and other anti-competitive tactics that are used to keep our goods from the shores of other nations with which we have stable relations, and we should continue having conversations on how these matters can be best addressed. But no matter the situation, we must stand in support of our domestic small businesses and provide them the resources they need to help them access new and growing markets, while we fight to ensure fairness in the global economy. I urge my colleagues to join me in supporting this legislation.

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

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

S. 3395

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 "Renewable Energy Market Access Program Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **ENERGY EFFICIENCY PRODUCT.**—The term "energy efficiency product" means any product, technology, or component of a product that—

(A) as compared with products, technologies, or components of products being deployed at the time for widespread commercial use in the country in which the product, technology, or component will be used—

(i) substantially increases the energy efficiency of buildings, industrial or agricultural processes, or electricity transmission, distribution, or end-use consumption; or

(ii) substantially increases the energy efficiency of the transportation system; and

(B) results in no significant incremental adverse effects on public health or the environment.

(2) **RENEWABLE ENERGY.**—The term "renewable energy" means energy generated by a renewable energy resource.

(3) **RENEWABLE ENERGY PRODUCT.**—The term "renewable energy product" means any product, technology, or component of a product used in the development or production of renewable energy.

(4) **RENEWABLE ENERGY RESOURCE.**—The term "renewable energy resource" means

solar, wind, ocean, tidal, geothermal energy, biofuel, biomass, hydropower, or hydrokinetic energy.

(5) **SMALL- AND MEDIUM-SIZED BUSINESS.**—The term "small- and medium-sized business" means—

(A) a small business concern (as that term used in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) a business the Secretary of Commerce determines to be small- or medium-sized, based on factors that include the structure of the industry, the amount of competition in the industry, the average size of businesses in the industry, and costs and barriers associated with entering the industry.

SEC. 3. COST-SHARING ASSISTANCE WITH RESPECT TO THE EXPORTATION OF ENERGY EFFICIENCY PRODUCTS AND RENEWABLE ENERGY PRODUCTS.

(a) **IN GENERAL.**—The Under Secretary for International Trade of the Department of Commerce (in this section referred to as the "Under Secretary") shall establish and carry out a program to provide cost-sharing assistance to eligible organizations—

(1) to improve access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States; and

(2) to assist small- and medium-sized businesses in the United States in obtaining services and other assistance with respect to exporting energy efficiency products and renewable energy products, including services and assistance available from the Department of Commerce and other Federal agencies.

(b) **ELIGIBLE ORGANIZATIONS.**—An eligible organization is a nonprofit trade association in the United States or a State or regional organization that promotes the exportation and sale of energy efficiency products or renewable energy products.

(c) **APPLICATION PROCESS.**—An eligible organization shall submit an application for cost-sharing assistance under subsection (a)—

(1) at such time and in such manner as the Under Secretary may require; and

(2) that contains a plan that describes the activities the organization plans to carry out using the cost-sharing assistance provided under subsection (a).

(d) **AWARDING COST-SHARING ASSISTANCE.**—

(1) **IN GENERAL.**—The Under Secretary shall establish a process for granting applications for cost-sharing assistance under subsection (a) that includes a competitive review process.

(2) **PRIORITY FOR INNOVATIVE IDEAS.**—In awarding cost-sharing assistance under subsection (a), the Under Secretary shall give priority to an eligible organization that includes in the plan of the organization submitted under subsection (c)(2) innovative ideas for improving access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States.

(e) **LEVEL OF COST-SHARING ASSISTANCE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Under Secretary shall determine an appropriate percentage of the cost of carrying out a plan submitted by an eligible organization under subsection (c)(2) to be provided in the form of assistance under this section.

(2) **LIMITATION.**—Assistance provided under this section may not exceed 50 percent of the cost of carrying out the plan of an eligible organization.

SEC. 4. REPORT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy, shall submit to Congress a

report on the export promotion needs of businesses in the United States that export energy efficiency products or renewable energy products.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce to carry out this Act—

- (1) \$15,000,000 for fiscal year 2011;
- (2) \$16,000,000 for fiscal year 2012;
- (3) \$17,000,000 for fiscal year 2013;
- (4) \$18,000,000 for fiscal year 2014; and
- (5) \$19,000,000 for fiscal year 2015.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 536—DESIGNATING JUNE 1, 2010, AS “DECLARATION OF CONSCIENCE DAY” IN COMMEMORATION OF THE 60TH ANNIVERSARY OF THE LANDMARK “DECLARATION OF CONSCIENCE” SPEECH DELIVERED BY SENATOR MARGARET CHASE SMITH ON THE FLOOR OF THE UNITED STATES SENATE

Ms. SNOWE (for herself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 536

Whereas on June 1, 1950, Senator Margaret Chase Smith of the State of Maine, in her first major speech on the floor of the Senate, delivered a courageous and heroic speech responding to the contemptible actions and words of Senator Joseph McCarthy from the State of Wisconsin;

Whereas in 15 minutes, Senator Smith accomplished a task that 94 of her male colleagues did not dare to attempt;

Whereas Senator Smith had the will and integrity to speak out vigorously when silence was a safer course;

Whereas through the power of her iconic words, Senator Smith challenged a giant of demagoguery, prompting financier and presidential advisor, Bernard Baruch, to say that “had a man made that speech, he would have become the next President of the United States”;

Whereas Senator Smith, because of her bravery both in politics and in life, inspired millions of young girls, and became a role model for countless more women across the United States, who had never before thought that women could aspire to any kind of public office;

Whereas Senator Smith was a legendary and undeniable force of civic good and political courage, whose bravery, civility, compassion, and integrity are woven indelibly into the fabric of the greatness of the United States;

Whereas Senator Smith was a much-loved and universally admired daughter of the State of Maine and forever the pride of Skowhegan, Maine, her birthplace and home;

Whereas Senator Smith was a teacher, telephone operator, newspaper woman, office manager, secretary, wife, Congresswoman, and Senator;

Whereas Senator Smith was the first woman to be elected to both Houses of Congress; and

Whereas Senator Smith was—

- (1) a timeless leader for the State of Maine and the United States;
- (2) a friend to freedom and the public trust;
- (3) a fearless defender of democracy and the bedrock principles of democracy; and
- (4) above all else, a Stateswoman and public servant who belongs not just to the State

of Maine and the United States, but to the ages: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 1, 2010, as “Declaration of Conscience Day”;

(2) recognizes the 60th anniversary of the landmark “Declaration of Conscience” speech delivered by Senator Margaret Chase Smith;

(3) honors the heroism of the immortal words and actions of Senator Smith; and

(4) pays tribute to the integrity and courage of Senator Smith, which reverberates to this day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4148. Mr. DODD submitted an amendment intended to be proposed to amendment SA 4081 submitted by Mr. HATCH and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail”, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 4149. Mr. LUGAR submitted an amendment intended to be proposed to amendment SA 4050 submitted by Mr. CARDIN (for himself, Mr. LUGAR, Mr. DURBIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. MERKLEY, Mr. JOHNSON, and Mr. WHITEHOUSE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4150. Mr. DODD submitted an amendment intended to be proposed to amendment SA 4073 submitted by Mr. ENZI (for himself, Mr. SHELBY, and Mr. GRASSLEY) and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4151. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3789 proposed by Mr. BROWNBACK (for himself, Mr. BOND, and Mr. INHOFE) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4152. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3776 proposed by Mr. SPECTER (for himself, Mr. REED, Mr. KAUFMAN, Mr. DURBIN, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. FEINGOLD, and Mr. MERKLEY) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4153. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4154. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4155. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4156. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4157. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4158. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4159. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4160. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4161. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4162. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4163. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4164. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4165. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4166. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4167. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4168. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4169. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4170. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4171. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 3776 proposed by Mr. SPECTER (for himself, Mr. REED, Mr. KAUFMAN, Mr. DURBIN, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. FEINGOLD, and Mr. MERKLEY) to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 4172. Mr. DODD proposed an amendment to the bill H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail”, to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

TEXT OF AMENDMENTS

SA 4148. Mr. DODD submitted an amendment intended to be proposed to amendment SA 4081 submitted by Mr. HATCH and intended to be proposed to the amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail”, to