

of monuments and sites in times of crisis, war, or natural disaster;

Whereas, in an age of increasing conflict and volatility, the World Heritage Convention is more important than ever in ensuring the protection of priceless historical treasures;

Whereas the recent upheaval in Egypt, which threatened artifacts from the antiquities museum in Cairo, and mounting concerns about the destruction of the Roman ruins of Leptis Magna and other ancient cities in Libya serve as reminders of the crucial role UNESCO plays in promoting protection and conservation;

Whereas, through its List of World Heritage in Danger, UNESCO seeks to work with national governments to preserve natural and cultural sites under duress, by raising international awareness and providing local authorities with the support they need;

Whereas, in Afghanistan, UNESCO's safeguarding campaign is premised on the belief that a shared cultural heritage can strengthen national identity and create a common sense of ownership over the country's past and future;

Whereas the United States Government provides considerable assistance to World Heritage sites around the globe through programs such as the National Park Service's World Heritage Fellowship, which provides site managers from developing countries with training at World Heritage sites in the United States, including Everglades, Grand Canyon, Hawaii Volcanoes, and Olympic National Parks;

Whereas the World Heritage Centre has formed innovative partnerships with several private organizations in the United States, including new interactive tools that allow users to virtually tour UNESCO World Heritage sites from their computers;

Whereas April 18th has been endorsed by the UNESCO General Conference as the International Day for Monuments and Sites, also known as World Heritage Day; and

Whereas the 39th anniversary of the day in 2011 reflects a long-standing commitment to the celebration and preservation of natural and cultural sites around the world: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission of UNESCO's World Heritage Convention;

(2) acknowledges the 39th anniversary of the International Day for Monuments and Sites; and

(3) commends UNESCO and its role in preserving and celebrating natural and cultural sites worldwide.

AMENDMENTS SUBMITTED AND PROPOSED

SA 278. Mr. PRYOR 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 279. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 280. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 281. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, and 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 282. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 278. Mr. PRYOR 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 73, after line 23, add the following:

SEC. 209. INITIATIVE TO PUBLICIZE THE SBIR PROGRAMS AND STTR PROGRAMS TO VETERANS.

(a) INITIATIVE.—The Administrator, in consultation with the Secretary of Veterans Affairs, shall develop an initiative to use programs of the Administration in effect on the date of enactment of this Act—

(1) to publicize the SBIR programs and STTR programs of the Federal agencies to veterans recently separated from service in the Armed Forces; and

(2) to encourage veterans with applicable technical skills to apply for awards under the SBIR programs and STTR programs of the Federal agencies.

(b) LIMITATION.—Neither the Administrator nor the Secretary of Veterans Affairs may hire additional employees or enter into additional contracts for services to carry out this section.

SA 279. Mr. COBURN (for himself and Mr. GRASSLEY) 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. ____ PROHIBITION ON USING FEDERAL ASSISTANCE TO REPAY TARP FUNDS.

Notwithstanding any other provision of law, no person may repay or refinance amounts received under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) using funds received in any form under any other Federal assistance program.

SA 280. Mr. ROCKEFELLER 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 83, strike lines 8 and 9 and insert the following:

“(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

On page 85, strike lines 22 through 24 and insert the following:

program that has been—

“(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

“(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.”; and

On page 89, strike line 18 and all that follows through page 90, line 10, and insert the following:

“(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

“(B) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2); and

On page 95, line 7, strike “the waste,” and all that follows through “2011” on line 10 and insert “waste, fraud, and abuse prevention activities”.

On page 96, line 13, strike the quotation marks and the second period and insert the following:

“(4) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than \$50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.”.

On page 99, strike lines 17 through 19 and insert the following:

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later

On page 100, strike line 1 and all that follows through page 102, line 4, and insert the following:

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the website of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program;

(D) a requirement that each applicant for funding under the SBIR program or STTR program shall certify that the applicant—

(i) is a small business concern; and

(ii) has disclosed the names of any other Federal agency to which the applicant has submitted an essentially equivalent work proposal, as defined under the SBIR Policy Directive and the STTR Policy Directive;

(E) a requirement that each small business concern that receives funding under the SBIR program or the STTR program, when requesting payment for work performed under an award under the program, shall certify that the small business concern—

(i) has performed all work for which the small business concern is requesting payment in accordance with the terms and conditions of the award; and

(ii) has not received payment from another Federal agency for the same work; and

(F) a requirement that, for each certification under subparagraph (D) or (E), an individual who may bind the small business concern acknowledge that—

(i) the statements in the certification are true and complete to the best of the knowledge of the individual; and

(ii) the provision of false information or concealing a material fact is a criminal offense under section 1001 of title 18, United States Code.

(3) CONSULTATION.—The Administrator shall develop the certifications required under subparagraph (D) and (E) of paragraph (2) in cooperation with the Council of Inspectors General on Integrity and Efficiency.

(4) AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e) Each Inspector General of each establishment that is required to participate in

the SBIR program or the STTR program under section 9 of the Small Business Act (15 U.S.C. 638) shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

“(1) establishing fraud detection indicators;

“(2) reviewing regulations and operating procedures of the Federal agencies;

“(3) coordinating information sharing between the Federal agencies, to the extent otherwise permitted under Federal law; and

“(4) improving the education and training of, and outreach to—

“(A) administrators of the SBIR program and the STTR program of each Federal agency;

“(B) applicants to the SBIR program or the STTR program; and

“(C) recipients of awards under the SBIR program or the STTR program.”

On page 102, beginning on line 7, strike “, and every 3 years thereafter;” and insert “to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 3 years thereafter to evaluate the effectiveness of the agency strategies.”

On page 103, strike lines 12 through 19 and insert the following:

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

On page 104, line 10, after “STTR program” insert the following: “, at least 1 Inspector General of a Federal agency with an SBIR program or an STTR program.”

On page 107, between lines 10 and 11, insert the following:

SEC. 316. REDUCING FRAUD, WASTE, AND ABUSE.

Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

(2) make recommendations with respect to the issues described in paragraph (1); and

(3) submit to the head of each agency described in section 108(a) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (2).

SA 281. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, and 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 title V, add the following:

SEC. ____ . ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency un-

employment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than \$1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual’s adjusted gross income was not equal to or greater than \$1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no federal funds may be expended for purposes of determining an individual’s eligibility under this Act.

(e) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SA 282. Ms. COLLINS 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:

SEC. 504. AGENCY GOOD GUIDANCE PRACTICES.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget;

(2) the term “agency” has the same meaning as in section 3502(1) of title 44, United States Code;

(3) the term “economically significant guidance document” means a significant guidance document that may reasonably be anticipated to lead to an annual effect on the economy of \$ 100,000,000 or more or adversely affect in a material way the economy or a sector of the economy, except that economically significant guidance documents do not include guidance documents on Federal expenditures and receipts;

(4) the term “disseminated”—

(A) means prepared by an agency and distributed to the public or regulated entities; and

(B) does not include—

(i) distribution limited to Federal Government employees;

(ii) intra- or interagency use or sharing of Federal Government information; and

(iii) responses to requests for agency records under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), section 552a of title 5, United States Code, (commonly referred to as the “Privacy Act”), the Federal Advisory Committee Act (5 U.S.C. App.), or other similar laws;

(5) the term “guidance document” means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

(6) the term “regulation” means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency;

(7) the term “regulatory action” means any substantive action by an agency (nor-

mally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; and

(8) the term “significant guidance document”—

(A) means a guidance document disseminated to regulated entities or the general public that may reasonably be anticipated to—

(i) lead to an annual effect on the economy of \$ 100,000,000 or more or affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raise novel legal or policy issues arising out of legal mandates and the priorities, principles, and provisions of this section; and

(B) does not include—

(i) legal advisory opinions for internal Executive Branch use and not for release (such as Department of Justice Office of Legal Counsel opinions);

(ii) briefs and other positions taken by agencies in investigations, pre-litigation, litigation, or other enforcement proceedings;

(iii) speeches;

(iv) editorials;

(v) media interviews;

(vi) press materials;

(vii) congressional correspondence;

(viii) guidance documents that pertain to a military or foreign affairs function of the United States (other than guidance on procurement or the import or export of non-defense articles and services);

(ix) grant solicitations;

(x) warning letters;

(xi) case or investigatory letters responding to complaints involving fact-specific determinations;

(xii) purely internal agency policies;

(xiii) guidance documents that pertain to the use, operation or control of a government facility;

(xiv) internal guidance documents directed solely to other agencies; and

(xv) any other category of significant guidance documents exempted by an agency head in consultation with the Administrator.

(b) AGENCY GOOD GUIDANCE PRACTICES.—

(1) AGENCY STANDARDS FOR SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) APPROVAL PROCEDURES.—

(i) IN GENERAL.—Each agency shall develop or have written procedures for the approval of significant guidance documents, which shall ensure that the issuance of significant guidance documents is approved by appropriate senior agency officials.

(ii) REQUIREMENT.—Employees of an agency may not depart from significant guidance documents without appropriate justification and supervisory concurrence.

(B) STANDARD ELEMENTS.—Each significant guidance document—

(i) shall—

(I) include the term “guidance” or its functional equivalent;

(II) identify the agency or office issuing the document;

(III) identify the activity to which and the persons to whom the significant guidance document applies;

(IV) include the date of issuance;

(V) note if the significant guidance document is a revision to a previously issued guidance document and, if so, identify the

document that the significant guidance document replaces;

(VI) provide the title of the document and a document identification number; and

(VII) include the citation to the statutory provision or regulation (in Code of Federal Regulations format) which the significant guidance document applies to or interprets; and

(i) shall not include mandatory terms such as “shall”, “must”, “required”, or “requirement” unless—

(I) the agency is using those terms to describe a statutory or regulatory requirement; or

(II) the terminology is addressed to agency staff and will not foreclose agency consideration of positions advanced by affected private parties.

(2) PUBLIC ACCESS AND FEEDBACK FOR SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) INTERNET ACCESS.—

(i) IN GENERAL.—Each agency shall—

(I) maintain on the website for the agency, or as a link on the website of the agency to the electronic list posted on a website of a component of the agency a list of the significant guidance documents in effect of the agency, including a link to the text of each significant guidance document that is in effect; and

(II) not later than 30 days after the date on which a significant guidance document is issued, update the list described in clause (i).

(ii) LIST REQUIREMENTS.—The list described in subparagraph (A)(i) shall—

(I) include the name of each—

(aa) significant guidance document; and
(bb) document identification number; and
(cc) issuance and revision dates; and

(II) identify significant guidance documents that have been added, revised, or withdrawn in the preceding year.

(B) PUBLIC FEEDBACK.—

(i) IN GENERAL.—Each agency shall establish and clearly advertise on the website for the agency a means for the public to electronically submit—

(I) comments on significant guidance documents; and

(II) a request for issuance, reconsideration, modification, or rescission of significant guidance documents.

(ii) AGENCY RESPONSE.—Any comments or requests submitted under subparagraph (A)—

(I) are for the benefit of the agency; and

(II) shall not require a formal response from the agency.

(iii) OFFICE FOR PUBLIC COMMENTS.—

(I) IN GENERAL.—Each agency shall designate an office to receive and address complaints from the public relating to—

(aa) the failure of the agency to follow the procedures described in this section; or

(bb) the improper treatment of a significant guidance document as a binding requirement.

(II) WEBSITE.—The agency shall provide, on the website of the agency, the name and contact information for the office designated under clause (i).

(3) NOTICE AND PUBLIC COMMENT FOR ECONOMICALLY SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), in preparing a draft of an economically significant guidance document, and before issuance of the final significant guidance document, each agency shall—

(i) publish a notice in the Federal Register announcing that the draft document is available;

(ii) post the draft document on the Internet and make a tangible copy of that document publicly available (or notify the public how the public can review the guidance document if the document is not in a format that

permits such electronic posting with reasonable efforts);

(iii) invite public comment on the draft document; and

(iv) prepare and post on the website of the agency a document with responses of the agency to public comments.

(B) EXCEPTIONS.—In consultation with the Administrator, an agency head may identify a particular economically significant guidance document or category of such documents for which the procedures of this subsection are not feasible or appropriate.

(4) EMERGENCIES.—

(A) IN GENERAL.—In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify the Administrator as soon as possible and, to the extent practicable, comply with this subsection.

(B) SIGNIFICANT GUIDANCE DOCUMENTS SUBJECT TO STATUTORY OR COURT-IMPOSED DEADLINE.—For a significant guidance document that is governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule the proceedings of the agency to permit sufficient time to comply with this subsection.

(5) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this Act.

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, April 7, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review Department of Energy biofuel programs and biofuel infrastructure issues, and to consider S. 187, the Biofuels Market Expansion Act of 2011.

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 Amanda_Kelly@energy.senate.gov.

For further information, please contact Tara Billingsley (majority) at (202) 224-4756, Amanda Kelly (majority) at (202) 224-6836, or Brian Hughes (minority) at (202) 224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on March 31, 2011.

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

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on March 31, 2011, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2011, at 2:15 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 31, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled “APEC 2011: Breaking Down Barriers, Creating Economic Growth.”

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 31, 2011, at 2 p.m., to hold a hearing entitled “Assessing the Situation in Libya.”

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “A Tragic Anniversary: Improving Safety at Dangerous Mines One Year After Upper Big Branch” on March 31, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 31, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March