science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 243

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 243 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 250

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, supra.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, supra.

AMENDMENT NO. 274

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. BROWN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 274 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 275

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 275 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 281 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 326

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 326 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 335

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 335 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 344

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 344 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 353

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 353 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 359

At the request of Mr. UDALL of New Mexico, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 359 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. CASEY, and Mr. DURBIN):

S. 384. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I am pleased today to announce the introduction of the Global Food Security Act of 2009. I would like to thank my friend Senator CASEY for lending his ideas and support to this bipartisan effort, and Senator DURBIN for his early cosponsorship. Finally, I want to thank the members of USAID's informal food security team, who advised us on the nature of food insecurity and possible legislative solutions.

As we know, food prices started a steep climb in the fall of 2007 and continued to increase during 2008. The increases pushed an additional 75 million people into poverty. While prices have abated somewhat, millions of people still face difficulty in food access and availability, and malnutrition rates in many parts of the world remain alarmingly high. The price crisis demonstrated that there are significant structural challenges to attaining global food security. The system is vulnerable to periodic disruptions that both expose and exacerbate deeper problems.

We live in a world where nearly one billion people suffer from chronic food insecurity. When droughts occur, hurricanes hit, or other disruptions arise—creating transitory food insecurity the economic prospects of those living in or near poverty are gravely threatened. In fact, the World Food Program reports that 25,000 people die each day from malnutrition-related causes. Health experts advise us that a diverse and secure food supply has major health benefits, including increasing child survival, improving cognitive and physical development of children, and increasing immune system function including resistance to HIV/AIDS. Prolonged malnutrition in children results in stunting and cognitive difficulties that last a lifetime.

Food insecurity is a global tragedy, but it is also an opportunity for the United States. The United States is the indisputable world leader in agricultural production and technology. A more focused effort on our part to join with other nations to increase yields, create economic opportunities for the rural poor, and broaden agricultural knowledge could begin a new era in U.S. diplomacy. Such an effort could improve our broader trade relations and serve as a model for similar endeavors in the areas of energy and scientific cooperation. Achieving food security for all people also would have profound implications for peace and U.S. national security. Hungry people are desperate people, and desperation often sows the seeds of conflict and extremism.

The United States has always stood for big ideas—from the founding of the

Republic on the basis of freedom to President Kennedy's vow to put a man on the moon. One of today's big ideas should be the eradication of hunger. We can bring America's dedication to science, innovation, technology, and education together to lead an effort devoted to overcoming the obstacles to food security.

The Global Food Security Act of 2009 is a 5-year authorization that seeks to provide solutions that will have the greatest effect. First, it creates a Special Coordinator for Global Food Security and puts that person in charge of developing a food security strategy. We call on the development of that strategy to take a whole-of-government approach and to work with other international donors, the NGO community, and the private sector. Addressing food security requires more than investing in agriculture; it also requires improvements in infrastructure, the development of markets, access to finance, and sound land tenure systems, to name just a few.

Second, the bill authorizes additional resources for agricultural productivity and rural development. U.S. foreign assistance for agriculture has declined by nearly 70 percent since the 1980s. Globally, only four percent of official development assistance from all donors is currently allocated for agriculture. This amounts to neglect of what should be considered one of the most vital sectors in the alleviation of poverty. Food shortages are likely to recur frequently if the United States and the global community fail to invest in agricultural productivity in the developing world.

Third, the bill improves the U.S. emergency response to food crises by creating a separate Emergency Food Assistance Fund that can make local and regional purchases of food, where appropriate. Funds can be used for emergency food and non-food assistance. The Government Accountability Office reports that it can often take four to six months from the time a crisis occurs until U.S. food shipments arrive. Our intention is to provide USAID with the flexibility to respond to emergencies more quickly in order to complement food aid programs in the U.S. Department of Agriculture.

World leaders must understand that over the long term, satisfying global demand for more and better food can be achieved only by increasing yields per acre. In the 1930s, my father, Marvin Lugar, produced corn yields of approximately 40 to 50 bushels per acre. Today, the Lugar farm yields about 150 bushels per acre on the same land in Marion County, Indiana. The Green Revolution saw the introduction of high yield seeds and improved agricultural techniques that resulted in a near doubling of cereal grain production per acre over 20 years. But more recently, food production has not kept pace with population increases. By 2050, it is projected that population growth will require another doubling of food production. Unless much greater effort is devoted to this problem, the world is likely to experience more frequent and intense food crises that increase migration, stimulate conflicts and intensify pandemics.

Moreover, the task of doubling food production is likely to be complicated by the effects of climate change. The important report by Sir Nicolas Stern estimated that a 2 degree celsius increase in global temperature will cut agricultural yields in Africa by as much as 35 percent. Thus, farmers around the world will be asked to meet the demands of global demographic expansion, even as they may be contending with a degrading agricultural environment that significantly depresses yields in some regions.

Increasing acreage under production will not satisfy the growth in food demand, and these steps come with serious environmental and national security costs. We need a second green revolution that will benefit developed and developing nations alike.

Recent studies have demonstrated that funds spent in agriculture can be up to twice as beneficial to economic growth as spending in other areas. It seems, therefore, that our overall foreign aid strategy would benefit from restoring agriculture programs to their former prominence. The bill increases funding for these programs in the first year by $750 million. The increase would reach $2.5 billion in year five. Because those who subsist on less than $1 a day spend at least half their incomes on food, according to the International Food Policy Research Institute, the bill highlights the need to focus on those living in extreme poverty.

In thinking about how to approach agricultural productivity, we tried to draw from the experience of U.S. land grant colleges and the contributions they have made to U.S. agriculture. The bill seeks to strengthen institutions of higher education in the areas of agriculture sciences, research and extension programs. Investments in human capital and institutional capacity are important to developing a robust agricultural sector.

Universities and research centers can play an important role in achieving technological advances that are appropriate to local conditions. As such, the bill calls for increasing collaborative research on the full range of biotechnological advances including genetically modified technologies.

I hope that our bill will begin a productive dialogue on how our government can be a more effective partner with NGOs and private actors in promoting food security. There is no good reason why nearly a billion people should be food insecure or that the world should have to endure the social upheaval and risks of conflict that this insecurity causes.

I look forward to working with colleagues to improve the U.S. and global efforts to alleviate food insecurity and advance agricultural knowledge and technology worldwide.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Mrs. MCCASKILL, Mr. SANDERS, Mr. WYDEN, Mr. CARPER, and Mr. DURBIN):

S. 385. A bill to reaffirm and clarify the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

Mr. AKAKA. Mr. President, I rise today to introduce the Intelligence Community Audit Act of 2009, with Senators CARPER, DURBIN, LAUTENBERG, MCCASKILL, SANDERS, and WYDEN. This legislation reaffirms and clarifies the authority of the Comptroller General of the United States, as head of the Government Accountability Office, GAO, to audit and evaluate the programs and activities of the Intelligence Community, IC.

Our bill is not new. I have introduced similar bills twice before. But today, as I reintroduce this bill, I share with many of my colleagues a renewed commitment to accountability. This legislation would be an important step in that direction. GAO has well-established expertise that should be leveraged to improve the performance of the Intelligence Community. In particular, GAO could provide much needed guidance to the IC related to human capital, financial management, information sharing, strategic planning, information technology, and other areas of management and administration. By employing GAO's expertise to improve IC management and operations while carefully protecting sensitive information, this bill would reinforce the Intelligence Community's ability to meet its mission.

The Intelligence Community has faced greater demands and increased responsibilities over the past few years. It is Congress's responsibility to ensure that the IC carries out its critical functions effectively and consistent with congressional authorization. For too long, GAO's expertise and ability to engage in constructive oversight of the IC have been underutilized. This legislation would enhance, in a complementary manner, rather than detract from the work of the congressional intelligence committees. Dr. Marvin Ott, a former professional staff member on the Senate Select Committee on Intelligence, testified before my Subcommittee on Oversight of Government Management in February 2008 that the growth in the complexity, diversity, and size of the IC requires additional oversight resources. GAO is in a position to help. According to then-Comptroller General David Walker, who testified at the same hearing, GAO has the expertise and cleared personnel to increase the management oversight of the IC.

I also believe that safeguards need to be in effect to protect the IC's most

sensitive information from unauthorized disclosure. Under this bill, only the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and the majority and the minority leaders of the Senate and the House of Representatives would be able to request reviews of intelligence sources and methods or covert actions. Results of an audit of this nature would be restricted to the original requester, the Director of National Intelligence, and the head of the relevant IC element. Employees of the GAO participating in these audits would be subject to the same penalties for unauthorized disclosure or use of sensitive information as their counterparts in the IC. There are additional mechanisms in place to keep this information secure.

Congress and GAO have a crucial role in ensuring that the IC elements are fulfilling their responsibilities of protecting this country. By removing the barrier to more comprehensive oversight, this bill will help improve our national security.

Mr. Presdient, 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. 385

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 ''Intelligence Community Audit Act of 2009''.

SEC. 2. COMPTROLLER GENERAL AUDITS AND EVALUATIONS OF ACTIVITIES OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REAFFIRMATION AND CLARIFICATION OF AUTHORITY; AUDITS OF INTELLIGENCE COMMUNITY ACTIVITIES.—Chapter 35 of title 31, United States Code, is amended by inserting after section 3523 the following:

''§ 3523a. Audits of intelligence community; audits and requesters

''(a) In this section, the term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(b) Congress finds that—

''(1) the authority of the Comptroller General to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community under sections 712, 717, 3523, and 3524, and to obtain access to records for purposes of such audits and evaluations under section 716, is reaffirmed for matters referred to in paragraph (2); and

''(2) such audits and evaluations may be requested by any committee of jurisdiction (including the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate), and may include matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, and information sharing (including information sharing by and with the Department of Homeland Security and the Department of Justice).

''(c)(1) The Comptroller General may conduct an audit or evaluation of intelligence sources and methods or covert actions only upon request of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, or the majority or the minority leader of the Senate or the House of Representatives.

''(2)(A) Whenever the Comptroller General conducts an audit or evaluation under paragraph (1), the Comptroller General shall provide the results of such audit or evaluation only to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(B) The Comptroller General may only provide information obtained in the course of an audit or evaluation under paragraph (1) to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(3)(A) Notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to conduct audits and evaluations under paragraph (1).

''(B) If in the conduct of an audit or evaluation under paragraph (1), an agency record is not made available to the Comptroller General in accordance with section 716, the Comptroller General shall consult with the original requestor before filing a report under subsection (b)(1) of such section.

''(4)(A) The Comptroller General shall maintain the same level of confidentiality for a record made available for conducting an audit under paragraph (1) as is required of the head of the element of the intelligence community from which it is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the intelligence community element that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such records.

''(B) All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during an audit or evaluation under paragraph (1) shall remain in facilities provided by that element of the intelligence community. Elements of the intelligence community shall give the Comptroller General suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of audits and evaluations under paragraph (1).

''(C) After consultation with the Select Committee on Intelligence of the Senate and with the Permanent Select Committee on Intelligence of the House of Representatives, the Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an audit or evaluation under paragraph (1).

''(D) Before initiating an audit or evaluation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records, and information of the element of the intelligence community shall be made available in conducting the audit or evaluation.

''(d) Elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information.

''(e) With the exception of the types of audits and evaluations specified in subsection (c)(1), nothing in this section or any other provision of law shall be construed as restricting or limiting the authority of the Comptroller General to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3523 the following:

''3523a. Audits of intelligence community; audits and requesters.''.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KAUFMAN):

S. 386. A bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce with Senator GRASSLEY the Fraud Enforcement and Recovery Act, FERA, of 2009, a bipartisan bill that will reinvigorate our Nation's capacity to investigate and prosecute the kinds of financial frauds that have so severely undermined our economy and hurt so many hard working people in this country.

Our Nation is in the midst of its most serious economic crisis since the Great Depression. With each passing week, tens of thousands more Americans lose their jobs to layoffs, and many thousands have already lost their homes to foreclosure. We learn more and more each day about the causes of this debacle, and it is now clear that unscrupulous mortgage brokers and Wall Street financiers were among the principle contributors of this economic collapse.

As the crisis worsened last fall, I called upon Federal law enforcement to track down and punish those whose conduct went beyond mere negligence or incompetence and who were directly responsible for the corporate and mortgage frauds that helped make the economic downturn far worse than anyone predicted. With the new tools and resources in this bill, it will be easier to ensure that all of those responsible for these financial crimes are held accountable.

While the full scope of the fraud that triggered this economic crisis is still unknown, we have already learned a great deal about what went wrong. As banks and private mortgage companies relaxed their standards for loans, approving ever riskier mortgages with less and less due diligence, they created an environment that invited fraud. Private mortgage brokers and

lending businesses came to dominate the home housing market, and these companies were not subject to the kind of banking oversight and internal regulations that had traditionally helped to prevent fraud. We are now seeing the results of this lax supervision and accountability.

In the last six years, suspicious activity reports alleging mortgage fraud that have been filed with the Treasury Department have increased more than tenfold, from about 5,400 in 2002 to more than 60,000 in 2008. In the last three years, the number of criminal mortgage fraud investigations opened by the FBI has more than doubled, and the FBI anticipates a new wave of cases that may double that number yet again. Despite the increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases. At current levels, they cannot even begin to investigate the more than 5,000 fraud allegations they receive from the Treasury Department each month.

Of course, the problem is not limited to mortgage frauds. As is so common in today's financial markets, home mortgages were packaged together and turned into securities that were bought and sold in largely unregulated markets on Wall Street. Here again, the environment invited fraud. As the value of the mortgages started to decline with falling housing prices, Wall Street financiers began to see these mortgage-backed securities unravel. Unfortunately, some were not honest about these securities, leading to even more fraud, and victimizing investors nationwide.

All of this fraud has contributed to an unprecedented collapse in the mortgage-backed securities market. In the past year, banks and financial institutions in the United States alone have suffered more than $500 billion in losses associated with the sub-prime mortgage industry. Some of our Nation's largest and most venerable financial institutions collapsed as a result. The list of publicly-traded companies that declared bankruptcy or have been taken over by the Federal Government because of the mortgage-backed securities market collapse include Fannie Mae, Freddie Mac, Bear Stearns, IndyMac, and Lehman Brothers.

As we take steps to make sure this kind of collapse cannot happen again, we must reinvigorate our anti-fraud measures and give law enforcement the tools and resources they need to root out fraud so that it can never again place our financial system at risk. Taxpayers, who bear the burden of this financial downturn, deserve to know that government is doing all it can to hold responsible those who committed fraud in the run-up to this collapse. This bill will do just that.

This bipartisan legislation begins by providing the resources needed for law enforcement to uncover and go after these frauds. The bill authorizes $155 million a year for hiring fraud prosecutors and investigators at the Justice Department for fiscal years 2010 and 2011. This includes $65 million a year for the FBI to bring on 190 additional special agents and more than 200 professional staff and forensic analysts to rebuild its ''white collar'' investigation program. With this funding, the FBI can double the number of its mortgage fraud task forces nationwide—from 26 to more than 50—that target fraud in the hardest hit areas in our Nation. This also includes $50 million a year for U.S. Attorneys' offices to staff those strike forces and $40 million for the criminal, civil, and tax divisions at the Justice Department to provide special litigation and investigative support to those efforts. The bill also authorizes $60 million a year for fiscal years 2010 and 2011 for investigators and analysts at the U.S. Postal Inspection Service and the Office of Inspector General for the Housing and Urban Development Department to combat fraud against Federal assistance programs and financial institutions.

Of course, the economic recovery legislation includes new appropriations of $75 million for FBI salaries and $2 million for the Inspector General for the Treasury Department, yet certainly far more needs to be done to address the full scope of these enforcement issues now and in the future.

The Fraud Enforcement and Recovery Act also makes a number of straightforward, important improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat this growing wave of fraud. Specifically, the bill amends the definition of ''financial institution'' in the criminal code in order to extend Federal fraud laws to mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies were responsible for nearly half the residential mortgage market before the economic collapse, yet they remain largely unregulated and outside the scope of traditional Federal fraud statutes. This change will apply the Federal fraud laws to private mortgage businesses like Countrywide Home Loans and GMAC Mortgage, just as they apply to federally insured and regulated banks.

The bill would also amend the major fraud statute to protect funds expended under the Troubled Asset Relief Program and the economic stimulus package, including any government purchases of preferred stock in financial institutions. The U.S. Government has provided extraordinary economic support to our banking system, and we need to make sure that none of those funds are subject to fraud or abuse. This change will give Federal prosecutors and investigators the explicit authority they need to protect taxpayer funds.

The legislation would amend the Federal securities statute to cover fraud schemes involving commodities futures and options, including derivatives involving the mortgage-backed securities that caused such damage to our banking system.

This bill will also strengthen one of the core offenses in so many fraud cases—money laundering—which was significantly weakened by a recent Supreme Court case. In United States v. Santos, the Supreme Court misinterpreted the money laundering statutes, limiting their scope to only the ''profits'' of crimes, rather than the ''proceeds'' of the offenses. The Court's mistaken decision was contrary to Congressional intent and will lead to financial criminals escaping culpability simply by claiming their illegal scams had not made a profit. This erroneous decision must be corrected immediately, as dozens of money laundering cases have already been dismissed.

Lastly, FERA improves one of the most potent civil tools we have for rooting out waste and fraud in government—the False Claims Act. The effectiveness of the False Claims Act has recently been undermined by court decisions which limit the scope of the law and allow sub-contractors paid with government money to escape responsibility for proven frauds. The False Claims Act must quickly be corrected and clarified in order to protect from fraud the Federal assistance and relief funds expended in response to our current economic crisis.

The Federal Government has spent hundreds of billions of dollars to stabilize our banking system, and Congress will soon spend even more to restart our economic recovery. But to date, we have paid far too little attention to investigating and prosecuting the mortgage and corporate frauds that has so dramatically contributed to this economic collapse.

Congress should move quickly to pass this legislation so the American taxpayers can be confident that those who are criminally responsible for contributing to this economic disaster are caught and held fully accountable and to ensure that the money we are now spending to restore America is protected from fraud in the future.

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. 386

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 ''Fraud Enforcement and Recovery Act of 2009'' or ''FERA''.

SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting ''; or''; and

(3) by inserting at the end the following:

''(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally-related mortgage loan as defined in 12 U.S.C. 2602(1).''.

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

''§ 27. Mortgage lending business defined

''In this title, the term 'mortgage lending business' means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce.''.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''27. Mortgage lending business defined.''.

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking ''or'' after ''the International Banking Act of 1978),''; and

(2) inserting after ''section 25(a) of the Federal Reserve Act'' the following: ''or a mortgage lending business whose activities affect interstate or foreign commerce, or any person or entity that makes in whole or in part a federally-related mortgage loan as defined in 12 U.S.C. 2602(1)''.

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after ''or promises, in'' the following: ''any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any preferred stock in a company, or''; and

(2) striking ''the contract, subcontract'' and inserting ''such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance,''.

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting ''and commodities'' after ''**Securities**'';

(B) by inserting ''any commodity for future delivery, or any option on a commodity or a commodity for future delivery, or'' after ''any person in connection with'' ; and

(C) by inserting ''any commodity for future delivery, or any option on a commodity or a commodity for future delivery, or'' after ''in connection with the purchase or sale of''.

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting ''and commodities'' after ''Securities''.

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking the period and inserting ''; and''; and

(2) by inserting at the end the following:

''(9) the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, through the commission of a specified unlawful activity, including the gross receipts of such specified unlawful activity.''.

(g) MAKING THE INTERNATIONAL MONEY LAUNDERING STATUTE APPLY TO TAX EVASION.—Section 1956(a)(2)(A) of title 18, United States Code, is amended by—

(1) inserting ''(i)'' before ''with the intent to promote''; and

(2) adding at the end the following:

''(ii) with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or''.

SEC. 3. ADDITIONAL FUNDING FOR INVESTIGATORS AND PROSECUTORS FOR MORTGAGE FRAUD, SECURITIES FRAUD, AND OTHER CASES INVOLVING FEDERAL ECONOMIC ASSISTANCE.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Attorney General, to remain available until expended, $155,000,000 for each of the fiscal years 2010 and 2011, for the purposes of investigations, prosecutions, and civil proceedings involving federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) ALLOCATIONS.—With respect to fiscal years 2010 and 2011, the amount authorized to be appropriated under paragraph (1) shall be allocated as follows:

(A) Federal Bureau of Investigation: $65,000,000.

(B) The offices of the United States Attorneys: $50,000,000.

(C) The criminal division of the Department of Justice: $20,000,000.

(D) The civil division of the Department of Justice: $15,000,000.

(E) The tax division of the Department of Justice: $5,000,000.

(b) ADDITIONAL APPROPRIATIONS FOR THE POSTAL INSPECTION SERVICE.—There is authorized to be appropriated to the Postal Inspection Service of the United States Postal Service, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(c) ADDITIONAL APPROPRIATIONS FOR THE INSPECTOR GENERAL FOR THE HOUSING AND URBAN DEVELOPMENT DEPARTMENT.—There is authorized to be appropriated to the Inspector General of the Department of Housing and Urban Development, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(d) USE OF FUNDS.—The funds authorized to be appropriated under subsections (a), (b), and (c), shall be limited to cover the costs of each listed agency or department for investigating possible criminal, civil, or administrative violations and for prosecuting criminal, civil, or administrative proceedings involving financial crimes and crimes against Federal assistance programs, including mortgage fraud, securities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs

(e) REPORT TO CONGRESS.—Following the final expenditure of all funds appropriated under this section that were authorized by subsections (a), (b), and (c), the Attorney General, in consultation with the United States Postal Inspection Service and the Inspector General for the Department of Housing and Urban Development, shall submit a joint report to Congress identifying—

(1) the amounts expended under subsections (a), (b), and (c) and a certification of compliance with the requirements listed in subsection (d); and

(2) the amounts recovered as a result of criminal or civil restitution, fines, penalties, and other monetary recoveries resulting from criminal, civil, or administrative proceedings and settlements undertaken with funds authorized by this Act.

SEC. 4. CLARIFICATIONS TO THE FALSE CLAIMS ACT TO REFLECT THE ORIGINAL INTENT OF THE LAW.

(a) CLARIFICATION OF THE FALSE CLAIMS ACT.—Section 3729 of title 31, United States Code, is amended—

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

''(a) LIABILITY FOR CERTAIN ACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), any person who—

''(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

''(B) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved;

''(C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G) or otherwise to get a false or fraudulent claim paid or approved;

''(D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;

''(E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

''(F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

''(G) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government, or knowingly conceals, avoids, or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than $5,000 and not more than $10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104–410), plus 3 times the amount of damages which the Government sustains because of the act of that person.

''(2) REDUCED DAMAGES.—If the court finds that—

''(A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

''(B) such person fully cooperated with any Government investigation of such violation; and

''(C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

''(3) COSTS OF CIVIL ACTIONS.—A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) DEFINITIONS.—For purposes of this section—

''(1) the terms 'knowing' and 'knowingly' mean that a person, with respect to information—

''(A) has actual knowledge of the information;

''(B) acts in deliberate ignorance of the truth or falsity of the information; or

''(C) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required;

''(2) the term 'claim'—

''(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that—

''(i) is presented to an officer, employee, or agent of the United States; or

''(ii) is made to a contractor, grantee, or other recipient if the United States Government—

''(I) provides or has provided any portion of the money or property requested or demanded; or

''(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

''(B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property; and

''(3) the term 'obligation' means a fixed duty, or a contingent duty arising from an express or implied contractual, quasi-contractual, grantor-grantee, licensor-licensee, fee-based, or similar relationship, and the retention of any overpayment.'';

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) in subsection (c), as redesignated, by striking ''subparagraphs (A) through (C) of subsection (a)'' and inserting ''subsection (a)(2)''.

Mr. KAUFMAN. Mr. President, as we struggle to restore growth and hope to our economy, we must continue to repair the weaknesses in our legal and regulatory system weaknesses that contributed to the crisis we face today. A lot of what has happened to our economy was the result of greed and incompetence. But too much of it can be traced to fraud, insider deals, and other acts that are illegal, and to actions that should be illegal.

That is why I am joining today with Senator LEAHY and Senator GRASSLEY to introduce the Fraud Enforcement and Recovery Act of 2009. As we survey the damage to every aspect of our economy from manufacturing to retail, from construction to services we can trace the origins of this disaster to the real estate market and the financing that drove a bubble that finally burst.

We now know that behind the explosion in housing values, and the explosion in the secondary market for mortgages, were misrepresentations, false reporting, insider deals, and other forms of fraud. Many of these actions clearly broke existing financial regulations and consumer protection laws. Others took place in so-called ''shadow'' financial markets that are outside of our existing laws.

The legislation we are introducing today will provide the Justice Department with the resources it needs to prosecute the crimes that played a part in precipitating the crisis we are now facing. The FBI has been overwhelmed by reports of mortgage fraud, now running at over ten times the pace of a few years ago.

The bill authorizes $155 million a year for hiring fraud prosecutors and investigators at the Justice Department for 2010 and 2011, including $65 million a year for 190 additional FBI special agents and more than 200 professionals to fight white collar crime.

In addition, this bill exposes some of the ''shadow'' financial systems to the fraud laws that apply today in the better regulated sectors of our banking industry. It also extends antifraud protections to the money we are sending out under the Troubled Asset Relief Program and the economic stimulus package. It also amends Federal securities laws to cover fraud schemes involving commodities futures and options, including so-called derivatives involving the mortgage-backed securities that caused such damage to our banking system.

Further, this legislation will strengthen one of the most effective tools to combat waste and fraud in government the False Claims Act. We will need these improvements so that we can protect the taxpayer dollars we are using to respond to the economic crisis.

I hope we can move this legislation quickly. It moves against the root causes of this economic crisis and improves protections for the taxpayer funds we are committing to fight it.

By Mr. DURBIN:

S. 387. A bill to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the United States Courthouse at 211 South Court Street, Rockford, IL, as the ''Stanley J. Roszkowski United States Courthouse.''

Stanley Roszkowski was raised in Royalton in southern Illinois, one of fifteen children. During World War II, he volunteered as a nose gunner on a B26 bomber, flying over 25 missions in Italy and Germany. After the war he went on to earn his B.A. from the University of Illinois and then his law degree, working as an appliance salesman to pay for school and meeting his wife Catherine along the way.

When he moved to Rockford, he opened up a successful law practice and became involved in his community. He gave up this practice when President Carter appointed him to the bench, serving for the next 20 years as a Federal Judge in the Northern District of Illinois. He became known for running a business-like but relaxed courtroom, and was praised by his peers for being extremely knowledgeable, fair and objective, and a gentleman at all times, with a wide breadth of experience and an uncommon sense of decency. As one lawyer put it: ''You couldn't ask for a better trial judge.''

Nobody worked harder than Stanley Roszkowski to make the United States Courthouse in Rockford a reality. He spent 6 years commuting between Rockford and Chicago building up the case load at Rockford and becoming Rockford's first full time Federal judge. As far back as 1992, he was writing countless letters and paying numerous visits to federal officials in Washington, DC, to make his case. It took many years but he never gave up on his belief that if the Federal courts had a physical presence in Rockford, it would be welcomed and frequently used by the lawyers there. He turned out to be right, and I am pleased that Representative MANZULLO and I could work together to help secure the funding for it.

Whether in a bomber or on the bench, Stanley Roszkowski has dedicated his life to serving his country. I can think of no better way to honor his commitment than by naming this Federal courthouse, which he worked so tirelessly to see built, after him. I hope my colleagues will join me in enacting this tribute to him.

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 placed in the RECORD, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse, located at 211 South Court Street, Rockford, Illinois, shall be known and designated as the ''Stanley J. Roszkowski United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Stanley J. Roszkowski United States Courthouse''.

By Ms. MIKULSKI (for herself, Mr. SPECTER, Mr. LEVIN, Mr. CRAPO, Mr. BOND, Mr. LIEBERMAN, Mr. REED, Mr. KERRY, Mr. ENZI, Ms. COLLINS, Mr. BENNETT, Mr. COBURN, Mr. WHITEHOUSE, Mr. BURR, Ms. SNOWE, Mr. LEAHY, Mr. CARPER, Mr. CARDIN, Mr. HATCH, and Mr. BARRASSO):

S. 388. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, today I rise to introduce a bill that is needed by small and seasonal businesses all over the nation. In 2005 I introduced and the Senate overwhelmingly passed legislation to keep these small and seasonal businesses alive. For many years they have relied on the H–2B visa program to meet these needs, but this year they can't get the temporary labor they need because they have been shut out of the H–2B visa program. That program lets them hire temporary foreign workers when no American workers are available.

So today, I join with my colleague Senator SPECTER to introduce legislation that provides a quick and temporary fix to the H–2B problem. The Save our Small and Seasonal Businesses Act of 2009 will help these employers by extending the H–2B returning worker exemption for three years. It does not raise the cap and keeps the limit at 66,000. I urge my colleagues to work with us to pass this legislation quickly to save these businesses and the thousands of American jobs they provide.

Many in this body know about the H–2B crisis—a real crisis to thousands of small and seasonal businesses who face a shortage of workers as they approach their seasons. These small businesses count on the H–2B visa program to keep their businesses afloat. But this year, because the cap was reached so early in the year, many of these businesses will be unable to get the seasonal workers that they need to survive.

Hitting the cap so early will have a great impact on Maryland. We have a lot of summer seasonal businesses in Maryland on the Eastern Shore, in Ocean City or working the Chesapeake Bay. Many of our businesses use the program year after year. They hire all the American workers they can find, but they need additional help to meet seasonal demands. Because the cap will be reached so early this year summer employers face a disadvantage. They can't use the program, so they can't meet their seasonal needs and many will be forced to limit services, lay-off permanent U.S. workers or, worse yet, close their doors.

These are family businesses and small businesses in small communities in Maryland. If the business suffers the whole community suffers. For seafood companies like J.M. Clayton, what they do is more than a business, it's a way of life. Started over a century ago and run by the great grandsons of the founder, J.M. Clayton works the waters of the Chesapeake Bay, supplying crabs, crabmeat and other seafood, including Maryland's famous oysters, to restaurants, markets, and wholesalers all over the nation. It is the oldest working crab processing plant in the world and by employing 70 H–2B workers the company can retain over 50 full time American workers.

But its not just seafood companies that have a long history on the Eastern Shore. It's companies like S.E.W. Friel Cannery, which began its business over 100 years ago when there were 300 canneries on the Eastern Shore. But now those others are gone and Friel's is the last corn cannery left. Ten years ago, when the cannery could not find local workers, it turned to the new H–2B visa Program. It has used the program every year since, and many workers are repeat users who come each year and then go home after the season. What's important is that having this help each year has not only allowed the company to maintain its American workforce, but it has paved the way for local workers to return to the cannery.

Now these employers can't just turn to the H–2B program whenever they want seasonal workers. First, employers must try to vigorously recruit U.S. workers. These businesses try to hire American workers—they would love to hire American workers. In fact, the H–2B program requires these businesses to prove that they have vigorously tried to recruit American workers. They have to advertise for American workers and give American workers a chance to apply. They have to prove to the Department of Labor that there are no U.S. workers available. Only after that are they allowed to fill seasonal vacancies with H–2B visa workers. The workers that they bring in often participate in the H–2B program year after year. They often work for the same companies. But they cannot and do not stay in the U.S. They return to their home countries, to their families and their U.S. employer must go through the whole visa process again the following year to get them back. That means an employer must prove again to the Department of Labor that they cannot get U.S. workers.

This legislative fix keeps that visa process in place. It's a short-term legislative fix to solve the immediate H–2B visa shortage. It does not take the place of comprehensive immigration reform.

This legislation is a temporary 3 year fix. It exempts returning seasonal workers from the cap. These are workers who have already successfully participated in the H–2B visa Program. They received a visa in one of the past 3 years and have returned home to their families after their seasonal employment with a U.S. company.

Everyone must still play by the rules. Employers must go through the whole visa process, prove they need the seasonal help and only after that are returning employees exempt from the cap. Employees must be those who have left the U.S. and are requesting a new H–2B visa to come back for another season. This new system rewards those who have played by the rules, worked hard and successfully participated in the program. The bill gives a helping hand to businesses by allowing them to retain workers who they have already trained to do their seasonal jobs.

This is a quick and simple fix. It lasts three years. And it does not get in the way of comprehensive immigration reform.

I worked with my colleagues to get a bill with strong bi-partisan support. A bill that would work.

This bill is realistic. It provides a temporary solution because immediate action is needed to help these small and seasonal businesses stay in business. Yes—we need to help them now. Their seasons start soon. If they don't get seasonal workers this year, there may not be any businesses around next year to help.

Every member of the Senate who has heard from their constituents—whether they are seafood processors, landscapers, resorts, timber companies, fisheries, pool companies or carnivals—knows the urgency in their voices, knows the immediacy of the problem and knows that the Congress must act now to save these businesses. I urge my colleagues to join this effort, support the Save our Small and Seasonal Businesses Act, and push this Congress to fix the problem today.

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. 388

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 ''Save Our Small and Seasonal Businesses Act of 2009''.

SEC. 2. EXTENSION OF RETURNING WORKER EXEMPTION TO H–2B NUMERICAL LIMITATION.

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A) is amended to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(B) during any 1 of the 3 fiscal years immediately prior to the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not again be counted toward such limitation for the fiscal year for which the petition is approved. Such an alien shall be considered a returning worker.''.

(b) EFFECTIVE DATE; 3-YEAR LIMITATION; SUNSET PROVISION.—The amendment made by subsection (a) shall—

(1) take effect as if enacted on December 1, 2008;

(2) apply only to petitions with an approved start date in fiscal year 2009, 2010, or 2011; and

(3) terminate on the date that is 3 years after the date of the enactment of this Act.

By Mr. BENNETT:

S. 389. A bill to establish a conditional stay of the ban on lead in children's products, and for 'other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BENNETT. Mr. President, I rise to introduce important legislation today.

Last year, this body passed the Consumer Product Safety Improvement Act. Overall, I think this was a good bill, and will contribute to improving our children's safety.

However, as is the case sometimes, we are now learning about some of the unintended consequences arising from that legislation. I've heard from Utahns who are very concerned that parts of the act are going to put them out of business and harm those that benefit from their products and services.

Next week, as part of the Consumer Product Safety Improvement Act, a new lead standard for products goes into effect. The act makes it illegal to sell products that contain more lead than the new standard allows—it classifies those products as banned hazardous substances. The new standard should help protect our children from the harmful effects of lead poisoning.

The act also requires manufacturers to use accredited third-party laboratories to certify the safety of their products made for children ages 12 and under. If you don't test the product, you can't sell it. This makes perfect sense.

But here's the problem: while resellers of those products are exempt from the testing requirements of the legislation, they are not exempt from the penalties associated with violating the act. Violations can result in criminal punishment of up to $250,000 and 5 years in prison, and civil liability up to $15 million. All of this is scheduled to go into effect on February 10th of this year—less than one week from today.

However, the Consumer Product Safety Commission understands there are problems associated with the act. I met with Acting Commissioner Nancy Nord last Friday about these issues. We discussed both the act's potential problems and the importance of maintaining public safety. That same day, her organization postponed the testing and certification requirements of the act for one year. They needed additional time to finalize the rules, and issue clearer guidance on how businesses should comply with the law. Congress gave them the discretion to do this.

However, and this is the problem, the Consumer Product Safety Commission doesn't have the discretion to postpone the actual standard—how much lead is legally allowable in certain products. So you have a situation where the agency is not enforcing the standard by requiring testing and certification while at the same time, the companies that have products in their inventory that exceed the lead standard are subject to both criminal and civil penalties. As one who ran his own business, I can tell you that this makes no sense.

The legislation that I introduce here today will remedy this seeming contradiction. My legislation gives the commission the authority, if it determines it's necessary, to also delay implementing the new lead standards until they have finalized the rules and begin to enforce the law. If the commission were to exercise those authorities, it would give both Congress and the Consumer Product Safety Commission enough time to really evaluate the effects of this legislation, particularly on our small businesses and thrift enterprises, and implement something that actually makes sense.

You must understand that I am not opposed to the new lead standards or keeping our children safe. My bill is not mandating a year delay; it's simply giving the commission that authority. In the meantime, we must craft some sort of compromise before this well-intended law wreaks havoc upon many of our small businesses and those in the thrift industry that serve the lower income in our country.

Let me explain some of the problems associated with the CPSIA.

Some of my constituents who are concerned about this bill are running small businesses out of their homes to supplement their family income during these difficult economic times. One constituent, Katie Erwin, recently wrote to my office to tell me her personal experience. She designs and makes baby dresses that are sold on the Internet. Her dresses require the use of many fabrics, buttons, snaps, and elastic materials. She has done her research into what her business will have to do after the CPSIA becomes law. Even though she uses only materials that have been proven to have safe lead content, she has to have her end product tested. Not just each dress, but each element of each dress. At $75 per test, one dress could end up costing $750. She told us that, in order to be compliant, the dresses would be so expensive that she'd never make a profit. And that is if she could even sell the more expensive dresses. Other small and home-based businesses tell the same story. Many fear going out of business, and don't know how to cope with the new enforcement.

The Ogden Rescue Mission in northern Utah has two thrift stores that have been around for decades selling used goods. The owner has made it clear that he will stop selling any children's products on February 10 because he doesn't want to break the law or be held liable for inadvertently selling a now-illegal product. Companies risk losing their insurance if they accidentally sell an unsafe product. With the new standards required by the Consumer Product Safety Improvement Act, the chance of that happening is almost certain. I have to believe that larger thrift stores like Deseret Industries, the Salvation Army, and Goodwill Industries will all have similar concerns once the Act is fully understood and implemented.

Remember, these companies are going to be subject to criminal penalties and civilly liable for products they sell that exceed the standard, including the resellers whom the law exempts from the testing and certification requirements. Again, five years in prison, $250,000 in criminal penalties and $15 million in civil penalties.

At a time when we are debating how to stimulate the economy and keep businesses afloat, we should not overlook this problem that has the potential to cost our economy millions of dollars in litigation costs and many, many jobs if it is not implemented in the right way. During an economic downturn like the one we are experiencing, thrift stores and others that sell used goods are going to be more important than ever. Let's make sure they are able to serve our communities by providing the commission with the tools necessary to work out the problems associated with implementing the CPSIA.

I hope the Senate expeditiously considers my legislation. I think this approach makes sense, and will ultimately help the commission to better implement this law. I understand others may have different approaches to resolving the same problem, and I would invite a discussion of this issue during the coming weeks with my colleagues so we can fix it quickly before we do irreparable damage to businesses across the country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 28—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 28

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,449,343.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $2,546,445.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized