By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 481. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. ALEXANDER, Mr. REID, Mr. LUGAR, Mr. LIEBERMAN, Mr. ISAKSON, Mr. DODD, Mr. GRASSLEY, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BROWN, and Mr. CARDIN):

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. BOXER, Mr. SCHUMER, Mrs. MCCASKILL, and Mr. BOND):

S. 483. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Mr. BROWN, Mr. CARDIN, Mrs. BOXER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. NELSON of Florida, and Mr. MENENDEZ):

S. 484. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BYRD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Ms. MIKULSKI):

S. Res. 55. A resolution designating each of February 4, 2009, and February 3, 2010, as ''National Women and Girls in Sports Day''; to the Committee on the Judiciary.

By Mr. LUGAR:

S. Res. 56. A resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. BINGAMAN):

S. Con. Res. 8. A concurrent resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver; considered and agreed to.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 146

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 160

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 182

At the request of Mr. INOUYE, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 277

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 322

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2009'', and for other purposes.

S. 356

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 356, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 371

At the request of Mr. THUNE, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 414

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 53

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. BURRIS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 53, a resolution authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself and Mr. KOHL):

S. 469. A bill to amend chapter 83 of title 5, United States Code, to modify

the computation for part-time service under the Civil Service Retirement System; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I am pleased to be joined by Senator KOHL in introducing legislation to assist many of our Nation's public servants who choose to work part-time for a portion of their Federal career. The legislation is timely given the increasing number of Federal employees eligible to retire and the need for agencies to retain an experienced workforce to carry out critical government functions.

Our legislation would change the computation of Civil Service Retirement System, CSRS, annuities involving part-time service by correcting an anomaly that is a disincentive for employees nearing the end of their careers who would like to phase into retirement by working part-time. Under current law, if an employee under the CSRS system with substantial full-time service before 1986 switches to a part-time schedule at the end of his or her career, the high-three average salary that is applied to service before 1986 is the pro-rated salary or, if higher, the full-time salary from the years before the employee began working part-time. This often results in a disproportionate reduction in the employee's benefit.

The legislation would clarify that CSRS annuities based in whole or in part on part-time service should be pro-rated for the period of service that was performed on a part-time basis. The correction will help agencies, as part of their succession planning efforts, in retaining the expertise of staff that elect to work on a part-time basis at the end of their Federal careers. It is my hope agencies will include this tool in their human capital plans to help facilitate the transfer of knowledge to the next generation of government leaders.

I urge my colleagues to support this legislation.

By Mr. DURBIN (for himself and Ms. KLOBUCHAR):

S. 470. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise to speak about legislation that I am introducing today, the Combating Organized Retail Crime Act of 2009. This legislation takes important steps to confront the growing problem of organized criminal activity involving stolen and resold retail goods. This organized retail crime costs retailers billions of dollars per year and creates significant health and safety risks for consumers. My legislation will toughen criminal laws and put in place effective regulatory and information-sharing measures to help retailers, secondary marketplaces, and law enforcement agencies work together to stop this crime. I am pleased that my colleague Senator KLOBUCHAR is joining me in introducing this important legislation, and I look forward to working with her and all my colleagues to see it passed into law.

I recently became Chairman of the Senate Crime and Drugs Subcommittee and I hope to hold a hearing in the Subcommittee on the problem of organized retail crime and the Combating Organized Retail Crime Act. I also want to acknowledge that Congressman BOBBY SCOTT, the Chairman of the House Crime Subcommittee, and Congressman BRAD ELLSWORTH are each introducing bills to crack down on organized retail crime. I look forward to working with them and all of my colleagues to enact legislation that will address this growing problem in a comprehensive and effective manner.

Organized retail crime rings currently operate across the Nation and internationally. Their criminal activity begins with the coordinated theft of large amounts of items from retail stores with the intent to resell those items. The foot soldiers in these organized retail crime rings are professional shoplifters, called ''boosters,'' who steal from retail stores such items as over-the-counter drugs, baby formula, medical diagnostic tests, health and beauty aids, clothing, razor blades, and electronic devices. These boosters often use sophisticated means for evading retailer anti-theft safeguards, and occasionally dishonest retail employees are complicit in the theft. Each booster routinely steals thousands of dollars worth of items from multiple stores, and delivers the items to a ''fence,'' or a person who buys stolen products from boosters for a fee that is frequently paid in cash or drugs.

Today, organized retail crime rings often enlist numerous fences to deliver stolen retail goods to processing and storage warehouses operated by the rings. At these warehouse locations, teams of workers sort the stolen items, disable anti-theft tracking devices, and remove labels that identify the items with a particular retailer. In some instances, they alter items' expiration dates, replace labels with those of more expensive products, or dilute products and repackage the modified contents in seemingly-authentic packaging. Often, the conditions in which these stolen goods are transported, handled and stored are substandard, leading to the deterioration or contamination of the goods.

Organized retail crime rings typically resell their stolen merchandise in physical marketplaces, such as flea markets and swap-meets, or on Internet auction sites. Internet sites are particularly tempting avenues for these sales, since the Internet reaches a worldwide market and allows sellers to operate anonymously and maximize return.

Organized retail crime has a variety of harmful effects. Retailers and the FBI estimate that this crime costs retailers approximately $30 billion per year and deprives states of hundreds of millions of dollars in lost sales tax revenues. The proceeds of organized retail crime can be used to finance other forms of criminal behavior, including gang activity, drug trafficking and international terrorism. Further, organized retail crime often involves the resale of consumable goods like baby formula or medical diagnostic tests like diabetic strips, which can cause significant harm to consumers when stored improperly or sold past their expiration date.

Although the problem of organized retail crime predates the economic crisis facing our nation, the current recession has lent more urgency to the need to curb organized retail crime. In recent months theft and shoplifting from retailers has increased and retailers' revenues have decreased, thus enlarging the bite that organized retail crime has taken out of retailers' balance sheets. A December 2008 survey by the Retail Industry Leaders Association found that 80 percent of the retailers surveyed reported experiencing an increase in organized retail crime since the start of the current economic downturn. In a 2008 survey of loss prevention executives performed by the National Retail Federation, 85 percent of the 114 retailers surveyed indicated that their company had been a victim of organized retail crime in the past 12 months. Many law enforcement officials predict that organized retail crime will continue to increase during these troubled economic times.

After I introduced legislation on this subject last Congress, I listened to the views of stakeholders from law enforcement, the retail community, and the Internet marketplace community, and have made several revisions to my legislation in response to their suggestions. The legislation I am introducing today, the Combating Organized Retail Crime Act of 2009, would do the following:

First, it would toughen the criminal code's treatment of organized retail crime. It would refine certain offenses, such as the crimes of interstate transport and sale of stolen goods, to capture conduct that is being committed by individuals engaged in organized retail crime. It would also require the U.S. Sentencing Commission to consider relevant sentencing guideline enhancements.

Second, the bill would establish a reporting system through which evidence of organized retail crime can be effectively shared between the victimized retailers, the marketplaces where items are being resold, and the Justice Department. The bill would create a form that retailers could use to describe suspected illegal sales activity involving goods that were stolen from that retailer. The retailer would sign and submit this form to both the Justice Department and to the operator of a physical or online marketplace where

the stolen goods are suspected of being offered for resale. Upon receiving the form, the marketplace operator would be required to conduct an account review of the suspected sellers and provide the results of that account review to the Justice Department. This reporting system would ensure that the Justice Department receives information from both retailers and marketplaces in order to piece together organized retail crime investigations and prosecutions.

Third, the bill would require that when a marketplace operator is presented with clear and convincing evidence that a seller on that marketplace is selling stolen goods, the operator must terminate that seller's activities unless the seller can produce exculpatory evidence. The bill would also require that when a marketplace operator is presented with evidence of criminal activity involving a seller who offers consumable goods or medical diagnostic tests on that marketplace, the operator must immediately suspend the ability of that seller to sell such goods because of the potentially imminent danger to public safety.

Additionally, the bill would require high-volume sellers on Internet marketplace sites to provide a physical address to the marketplace operator. This address would be shared with the Justice Department and with retailers who attest and provide evidence that the high-volume seller is suspected of reselling goods stolen from that retailer. This address-sharing regime will permit appropriate inquiries to determine whether high-volume Internet sellers are legitimate operations, and is similar to address-sharing regimes that permit inquiries into possible copyright violations by online sellers.

In sum, the Combating Organized Retail Crime Act of 2009 is targeted legislation that aims to deter organized retail crime and facilitate the identification and prosecution of those who participate in it. The bill heightens the penalties for organized retail crime, shuts down criminals who are selling stolen goods, and places valuable information about illegal activity into the hands of law enforcement. This legislation has broad support in the retail industry in my home state of Illinois and nationwide. It is supported by the Illinois Retail Merchants Association, the National Retail Federation, the Retail Industry Leaders Association, the Food Marketing Institute, the National Association of Chain Drug Stores, and the Coalition to Stop Organized Retail Crime, whose members include such retail chains as Walgreens, Home Depot, Target, Wal-Mart, Safeway, and Macy's.

Organized retail crime is a growing problem nationwide. There is a pressing need to address it, particularly in light of the weakening economy and the risks such crime creates for unknowing consumers. I urge my colleagues to support this legislation so we can effectively combat this crime.

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. 470

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 ''Combating Organized Retail Crime Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Organized retail crime involves the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce, for the purpose of selling or distributing such illegally obtained items in the stream of commerce. Organized retail crime is a growing problem nationwide that costs American companies and consumers billions of dollars annually and that has a substantial and direct effect upon interstate commerce.

(2) The illegal acquisition and black-market sale of merchandise by persons engaged in organized retail crime result in an estimated annual loss of hundreds of millions of dollars in sales and income tax revenues to State and local governments.

(3) The illegal acquisition, unsafe tampering and storage, and unregulated redistribution of consumer products such as baby formula, over-the-counter drugs, medical diagnostic tests, and other items by persons engaged in organized retail crime pose a health and safety hazard to consumers nationwide.

(4) Investigations into organized retail crime have revealed that the illegal income resulting from such crime often benefits persons and organizations engaged in other forms of criminal activity, such as drug trafficking and gang activity.

(5) Items obtained through organized retail crime are resold in a variety of different marketplaces, including flea markets, swap meets, open-air markets, and Internet auction websites. Increasingly, persons engaged in organized retail crime use Internet auction websites to resell illegally obtained items. The Internet offers such sellers a worldwide market and a degree of anonymity that physical marketplace settings do not offer.

SEC. 3. OFFENSES RELATED TO ORGANIZED RETAIL CRIME.

(a) TRANSPORTATION OF STOLEN GOODS.—The first undesignated paragraph of section 2314 of title 18, United States Code, is amended by inserting after ''more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(b) SALE OR RECEIPT OF STOLEN GOODS.—The first undesignated paragraph of section 2315 of title 18, United States Code, is amended by inserting after ''$5,000 or more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(c) FRAUD IN CONNECTION WITH ACCESS DEVICES.—Section 1029(e)(1) of title 18, United States Code, is amended by inserting ''Universal Product Code label or similar product code label, gift card, stock keeping unit number, radio-frequency identification tag, electronic article surveillance tag,'' after ''code,''.

(d) REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES RELATED TO ORGANIZED RETAIL CRIME.—

(1) REVIEW AND AMENDMENT.—

(A) IN GENERAL.—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of offenses involving organized retail crime, which is the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce for the purpose of selling or distributing the illegally obtained items in the stream of commerce.

(B) OFFENSES.—Offenses referred to in subparagraph (A) may include offenses contained in—

(i) sections 1029, 2314, and 2315 of title 18, United States Code; and

(ii) any other relevant provision of the United States Code.

(2) REQUIREMENTS.—In carrying out the requirements of this subsection, the United States Sentencing Commission shall—

(A) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(i) the serious nature and magnitude of organized retail crime; and

(ii) the need to deter, prevent, and punish offenses involving organized retail crime;

(B) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address offenses involving organized retail crime to sufficiently deter and punish such offenses;

(C) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges; and

(E) consider whether to provide a sentencing enhancement for those convicted of conduct involving organized retail crime, where the conduct involves—

(i) a threat to public health and safety, including alteration of an expiration date or of product ingredients;

(ii) theft, conversion, alteration, or removal of a product label;

(iii) a second or subsequent offense; or

(iv) the use of advanced technology to acquire retail merchandise by means of theft, embezzlement, fraud, false pretenses, or other illegal means.

SEC. 4. SALES OF ILLEGALLY OBTAINED ITEMS IN PHYSICAL OR ONLINE RETAIL MARKETPLACES.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''§ 2324. Physical and online retail marketplaces

''(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

''(1) HIGH VOLUME SELLER.—The term 'high volume seller' means a user of an online retail marketplace who, in any continuous 12-month period during the previous 24 months, has entered into—

''(A) multiple discrete sales or transactions resulting in the accumulation of an aggregate total of $12,000 or more in gross revenues; or

''(B) 200 or more discrete sales or transactions resulting in the accumulation of an aggregate total of $5,000 or more in gross revenues.

''(2) INTERNET SITE.—The term 'Internet site' means a location on the Internet that is accessible at a specific Internet domain name or address under the Internet Protocol

(or any successor protocol), or that is identified by a uniform resource locator.

''(3) ONLINE RETAIL MARKETPLACE.—The term 'online retail marketplace' means an Internet site where users other than the operator of the Internet site can enter into transactions with each other for the sale or distribution of goods or services, and in which—

''(A) the goods or services are promoted through inclusion in search results displayed within the Internet site;

''(B) the operator of the Internet site—

''(i) has the contractual right to supervise the activities of users with respect to the goods or services; or

''(ii) has a financial interest in the sale of the goods or services; and

''(C) in any continuous 12-month period during the previous 24 months, users other than the operator of the Internet site collectively have entered into not fewer than 1,000 discrete transactions for the sale of goods or services.

''(4) OPERATOR OF AN ONLINE RETAIL MARKETPLACE.—The term 'operator of an online retail marketplace' means a person or entity that—

''(A) operates or controls an online retail marketplace; and

''(B) makes the online retail marketplace available for users to enter into transactions with each other on that marketplace for the sale or distribution of goods or services.

''(5) OPERATOR OF A PHYSICAL RETAIL MARKETPLACE.—The term 'operator of a physical retail marketplace' means a person or entity that rents or otherwise makes available a physical retail marketplace to transient vendors to conduct business for the sale of goods, or services related to the goods.

''(6) PHYSICAL RETAIL MARKETPLACE.—The term 'physical retail marketplace'—

''(A) may include a flea market, indoor or outdoor swap meet, open air market, or other similar environment;

''(B) means a venue or event—

''(i) in which physical space is made available not more than 4 days per week by an operator of a physical retail marketplace as a temporary place of business for transient vendors to conduct business for the sale of goods, or services related to the goods; and

''(ii) in which in any continuous 12-month period during the preceding 24 months, there have been 10 or more days on which 5 or more transient vendors have conducted business at the venue or event; and

''(C) does not mean and shall not apply to an event which is organized and conducted for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers, and no part of the gross receipts or net earnings from the sale or exchange of goods or services, whether in the form of a percentage of the receipts or earnings, salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event.

''(7) STRUCTURING.—The term 'structuring' means to knowingly conduct, or attempt to conduct, alone, or in conjunction with or on behalf of 1 or more other persons, 1 or more transactions in currency, in any amount, in any manner, with the purpose of evading categorization as a physical retail marketplace, an online retail marketplace, or a high volume seller.

''(8) TEMPORARY PLACE OF BUSINESS.—The term 'temporary place of business' means any physical space made open to the public, including but not limited to a building, part of a building, tent or vacant lot, which is temporarily occupied by 1 or more persons or entities for the purpose of making sales of goods, or services related to those goods, to the public. A place of business is not temporary with respect to a person or entity if that person or entity conducts business at the place and stores unsold goods there when it is not open for business.

''(9) TRANSIENT VENDOR.—The term 'transient vendor' means any person or entity that, in the usual course of business, transports inventory, stocks of goods, or similar tangible personal property to a temporary place of business for the purpose of entering into transactions for the sale of the property.

''(10) USER.—The term 'user' means a person or entity that accesses an online retail marketplace for the purpose of entering into transactions for the sale or distribution of goods or services.

''(11) VALID PHYSICAL POSTAL ADDRESS.—The term 'valid physical postal address' means—

''(A) a current street address, including the city, State, and zip code;

''(B) a Post Office box that has been registered with the United States Postal Service; or

''(C) a private mailbox that has been registered with a commercial mail receiving agency that is established pursuant to United States Postal Service regulations.

''(b) SAFEGUARDS AGAINST SALES OF ILLEGALLY OBTAINED ITEMS.—

''(1) SUSPECTED ILLEGAL SALES ACTIVITY FORMS.—

''(A) REGULATIONS.—The Attorney General shall promulgate regulations—

''(i) establishing a form, called a 'suspected illegal sales activity form', through which an authorized person may present evidence showing that a transient vendor of a physical retail marketplace, a user of an online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using a physical retail marketplace or an online retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means from the authorized person, or has engaged in or is engaging in structuring;

''(ii) requiring that an authorized person who submits a suspected illegal sales activity form shall, in a manner to be specified by the Attorney General—

''(I) refer in the form to 1 or more specific items, individuals, entities or transactions allegedly involved in theft, embezzlement, fraud, false pretenses, structuring, or other illegal activity;

''(II) refer in the form to 1 or more alleged violations of Federal law;

''(III) provide along with the form documentary evidence supporting the allegations of illegal activity, which may include—

''(aa) video recordings;

''(bb) audio recordings;

''(cc) sworn affidavits;

''(dd) financial, accounting, business, or sales records;

''(ee) records or transcripts of phone conversations;

''(ff) documents that have been filed in a Federal or State court proceeding; and

''(gg) signed reports to or from a law enforcement agency; and

''(IV) sign the form;

''(iii) providing that an authorized person who completes a suspected illegal sales activity form may submit the form and accompanying documentary evidence to the operator of a physical retail marketplace or the operator of an online retail marketplace, and that if the authorized person submits the form to the operator, the authorized person shall submit the form and documentary evidence to the Attorney General; and

''(iv) ensuring that a suspected illegal sales activity form and accompanying documentary evidence are able to be submitted by an authorized person to the operator of a physical retail marketplace or online retail marketplace and to the Attorney General by mail and by electronic means.

''(B) AUTHORIZED PERSONS.—

''(i) IN GENERAL.—For purposes of this section, an authorized person is a person who—

''(I) offers goods or services for sale to the public as part of a business operation;

''(II) has submitted to the Attorney General in writing, on a form that shall be promulgated by the Attorney General and made available on the Internet, a request to serve as an authorized person; and

''(III) has been approved by the Attorney General to serve as an authorized person.

''(ii) APPROVAL.—The Attorney General shall approve a request by a person to serve as an authorized person if the person offers goods or services for sale to the public as part of a business operation. An approval under this clause shall remain in effect unless the authorized person requests that the Attorney General terminate the approval.

''(iii) FEES.—The Attorney General may charge a processing fee to a person solely to cover the cost of processing the approval of the person as an authorized person.

''(iv) AGENTS.—An individual who serves as an officer, employee, or agent for a person who offers goods or services for sale to the public as part of a business operation may serve as an authorized person on behalf of that person.

''(v) LIST.—The Attorney General shall maintain a list of authorized persons, which shall be made available to the public upon request.

''(C) AVAILABILITY OF FORMS.—The Attorney General shall make suspected illegal sales activity forms available on the Internet to authorized persons.

''(2) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO CONDUCT ACCOUNT REVIEWS AND FILE SUSPICIOUS ACTIVITY REPORTS; CONSUMABLE GOODS.—If an operator of a physical or online retail marketplace is presented with a suspected illegal sales activity form and accompanying documentary evidence from an authorized person showing that a transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses or other illegal means, or has engaged in or is engaging in structuring, the operator shall—

''(A)(i) not later than 30 days after receiving the form—

''(I) conduct a review of the account of the transient vendor or user for evidence of illegal activity; and

''(II) file a suspicious activity report with the Attorney General of the United States; and

''(ii) not later than 24 hours after filing the report described in clause (i)(II), notify the authorized person who submitted the suspected illegal sales activity form that the operator filed the report; and

''(B) with regard to any items referred to in the suspected illegal sales activity form that are consumable or that are medical diagnostic tests, immediately suspend the ability of any transient vendor or user who is referred to in the form as selling or distributing the items to conduct transactions involving the items, and notify the Attorney

General of such action in the suspicious activity report.

''(3) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO TERMINATE SALES ACTIVITY.—

''(A) IN GENERAL.—If an operator of a physical retail marketplace or an online retail marketplace is presented with a suspected illegal sales activity form and accompanying documentary evidence from an authorized person, the operator shall determine, based on the form, the documentary evidence, and the account review conducted by the operator, whether there is clear and convincing evidence that the transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has engaged in or is engaging in structuring. The operator shall describe the determination of the operator under this subparagraph in the suspicious activity report.

''(B) ACTIONS.—If the operator of a physical retail marketplace or an online retail marketplace determines that there is clear and convincing evidence of an activity described in subparagraph (A), the operator shall, not later than 5 days after submitting the suspicious activity report to the Attorney General pursuant to paragraph (2), either—

''(i) terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(ii)(I) request that the transient vendor or user present documentary evidence that the operator reasonably determines to be clear and convincing showing that the transient vendor or user has not used the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has not engaged in or is not engaging in structuring; and

''(II)(aa) if the transient vendor or user fails to present the information within 30 days of the request, terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(bb) if the transient vendor or user presents the information within 30 days, then the operator shall report the information to the Attorney General and notify the transient vendor or user that the operator will not terminate the activities of the transient vendor or user.

''(C) ATTORNEY GENERAL AUTHORIZATION.—The Attorney General or a designee may, with respect to the timing of the operator's actions pursuant to this paragraph, direct the operator in writing and for good cause to delay such action.

''(4) RETENTION OF RECORDS.—

''(A) RETAIL MARKETPLACES.—Each operator of a physical retail marketplace and each operator of an online retail marketplace shall maintain—

''(i) a record of all suspected illegal sales activity forms and accompanying documentary evidence presented to it pursuant to this subsection for 3 years from the date the operator received the form and evidence;

''(ii) a record of the results of all account reviews conducted pursuant to this subsection, and any supporting documentation, for 3 years from the date of the review; and

''(iii) a copy of any suspicious activity report filed with the Attorney General pursuant to this subsection, and the original supporting documentation concerning any report that it files, for 3 years from the date of the filing.

''(B) ONLINE RETAIL MARKETPLACE.—Each operator of an online retail marketplace shall maintain, for 3 years after the date a user becomes a high volume seller, the name, telephone number, e-mail address, valid physical postal address, and any other identification information that the operator receives about the high volume seller.

''(5) CONFIDENTIALITY OF REPORTS.—No operator of a physical retail marketplace or online retail marketplace, and no director, officer, employee or agent of the operator, may notify any individual or entity that is the subject of a suspicious activity report or of an account review under paragraph (2) of the fact that the operator filed the report or performed the account review, or of any information contained in the report or account review.

''(6) HIGH VOLUME SELLERS.—

''(A) VALID POSTAL ADDRESS.—An operator of an online retail marketplace shall require each high volume seller to provide the operator with a valid physical postal address.

''(B) FAILURE TO PROVIDE.—

''(i) IN GENERAL.—If a high volume seller has failed to provide a valid physical postal address as required in this paragraph, the operator of the online retail marketplace shall, not later than 5 days after the failure to provide the address, notify the user of its duty to provide a valid physical postal address.

''(ii) CONTINUED FAILURE.—If a high volume seller has failed to provide a valid physical postal address 15 days after the date on which the operator of an online retail marketplace provides notice under clause (i), the operator shall—

''(I) terminate the ability of the user to conduct transactions on marketplace; and

''(II) not later than 15 days after that date, file a suspicious activity report with the Attorney General of the United States.

''(C) POSTAL ADDRESS.—If an authorized person submits to the operator of a physical retail marketplace or online retail marketplace a suspected illegal sales activity form that alleges illegal activity on the part of a specific transient vendor or user that is a high volume seller, the operator shall, not later than 15 days after receiving the form, provide the valid physical postal address of the high volume seller to the authorized person.

''(7) CONTENTS OF SUSPICIOUS ACTIVITY REPORTS.—The Attorney General shall promulgate regulations establishing a suspicious activity report form. Such regulations shall require that a suspicious activity report submitted by an operator to the Attorney General pursuant to paragraph (2) or (6) shall contain, in a form to be determined by the Attorney General, the following information:

''(A) The name, address, telephone number, and e-mail address of the individual or entity that is the subject of the report, to the extent known.

''(B) Any other information that is in the possession of the operator filing the report regarding the identification of the individual or entity that is the subject of the report.

''(C) A copy of the suspected illegal sales activity form and documentary evidence that led to the filing of a report pursuant to paragraph (2).

''(D) A detailed description of the results of an account review conducted pursuant to paragraph (2).

''(E) A statement of the determination the operator made pursuant to paragraph (3)(A).

''(F) If the suspicious activity report is filed pursuant to paragraph (6), a summary of the events that led the operator to terminate the ability of the user to conduct transactions on marketplace.

''(G) The signature of the operator.

''(H) Such other information as the Attorney General may by regulation prescribe.

''(c) VOLUNTARY REPORTS.—Nothing in this section prevents an operator of a physical retail marketplace or online retail marketplace from voluntarily reporting to a Federal, State, or local government agency any suspicious activity that the operator believes is relevant to the possible violation of any law or regulation, provided that the operator also complies with the requirements of this section.

''(d) STRUCTURING.—No individual or entity shall engage in structuring as defined in this section.

''(e) ENFORCEMENT BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—Any individual or entity who knowingly commits a violation of, or knowingly fails to comply with, the requirements specified in paragraph (2), (3), (4), (5), or (6) of subsection (b) or subsection (d) shall be liable to the United States Government for a civil penalty of not more than $10,000 per violation.

''(2) FALSE STATEMENTS.—

''(A) SUSPECTED ILLEGAL SALES ACTIVITY FORMS.—Any person who knowingly and willfully makes any material false or fictitious statement or representation on a suspected illegal sales activity form or accompanying documentary evidence may, upon conviction thereof, be subject to liability under section 1001.

''(B) SUSPICIOUS ACTIVITY REPORT.—Any person who knowingly and willfully makes any material false or fictitious statement or representation in any suspicious activity report required under subsection (b) may, upon conviction thereof, be subject to liability under section 1001.

''(f) ENFORCEMENT BY STATES.—

''(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person or entity who has committed or is committing a violation of this section, the attorney general, official, or agency of the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

''(A) to enjoin further violation of this section by the defendant;

''(B) to obtain damages on behalf of the residents of the State in an amount equal to the actual monetary loss suffered by such residents; or

''(C) to impose civil penalties in the amounts specified in subsection (e).

''(2) WRITTEN NOTICE.—

''(A) IN GENERAL.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Attorney General of the United States, including a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action.

''(B) ATTORNEY GENERAL ACTION.—Upon receiving a notice respecting a civil action under subparagraph (A), the Attorney General of the United States shall have the right—

''(i) to intervene in such action;

''(ii) upon so intervening, to be heard on all matters arising therein; and

''(iii) to file petitions for appeal.

''(3) STATE POWERS PRESERVED.—For purposes of bringing any civil action under this

subsection, nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(4) PENDING FEDERAL ACTION.—Whenever a civil action has been instituted by the Attorney General of the United States for violation of any rule prescribed under subsection (e), no State may, during the pendency of such action instituted by the Attorney General of the United States, institute a civil action under this subsection against any defendant named in the complaint in such action for any violation alleged in the complaint.

''(5) JURISDICTION.—

''(A) IN GENERAL.—Any civil action brought under this subsection in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28.

''(B) PROCESS.—Process in an action under this subsection may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(g) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be interpreted to authorize a private right of action for a violation of any provision of this section, or a private right of action under any other provision of Federal or State law to enforce a violation of this section.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2323 the following:

''Sec. 2324. Physical and online retail marketplaces.''.

SEC. 5. NO PREEMPTION OF STATE LAW.

No provision of this Act, including any amendment made by this Act, shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision or amendment operates, including criminal penalties, to the exclusion of any State law on the same subject matter that would otherwise be within the authority of the State, unless there is a positive conflict between that provision or amendment and that State law so that the 2 cannot consistently stand together.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect 120 days after the date of enactment of this Act.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURBIN, and Mr. BINGAMAN):

S. 471. A bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise to introduce the High School Sports Information Collection Act. I am pleased to be joined again this year by my colleague from Washington, Senator MURRAY. Since the 108th Congress, we have introduced this bill to require that high schools, like their collegiate counterparts, disclose data on equity in sports, making it possible for student athletes and their parents to ensure fairness in their school's athletic programs.

Since my first day in Washington in 1979, I have been a stalwart supporter of Title IX. And there should be no mistake what this 37-year-old landmark civil rights law is all about—equal opportunity for both girls and boys to excel in athletics. Obviously, athletic participation supports physical health, but sports also impart benefits beyond the playing field. For girls who engage in sports, half are less likely to suffer depression and breast cancer, 80 percent are less likely to have a drug problem, and 92 percent are less likely to have an unwanted pregnancy. Athletic competition helps cultivate the kind of positive, competitive spirit that develops dedication, self-confidence, a sense of team spirit, and ultimate success later in life. So it's not surprising that, according to several studies, more than eight out of ten successful businesswomen played organized sports while growing up!

Without question, Title IX has been the driving factor in allowing thousands of women and girls the opportunity to benefit from intercollegiate and high school sports. Indeed, prior to Title IX, only 1 in 27 high school girls—fewer than 300,000—played sports. Today, the number is more than 2.9 million, that's an increase of over 900 percent! Moreover, our country is celebrating the achievements of our women athletes now more than ever. Just a few weeks ago, tennis player Serena Williams became the all-time prize-money leader in women's sports by reaching both the doubles and singles finals in the Australian Open—not to mention that she won both titles! I am particularly pleased that Ms. Williams expressed appreciation for Title IX, proving how impactful this policy has been in giving her, and many other women, the opportunity to play sports.

So while we celebrate this remarkable progress, we cannot allow ourselves a ''time-out'' or rest on past success. That is why I am pleased to work with Senator PATTY MURRAY—who has been a tireless advocate for women's sports—to reintroduce the High School Sports Data Collection Act of 2007. Our bill directs the Commissioner of the National Center for Education Statistics to collect information regarding participation in athletics broken down by gender; teams; race and ethnicity; and overall expenditures, including items like travel expenses, equipment and uniforms. These data are already reported, in most cases, to the state Departments of Education and should not pose any additional burden on the high schools. Further, to ensure public access to this vital information, our legislation would require high schools to post the data on the Department of Education's website and make this information available to students and the public upon request.

For nearly 40 years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student athletic programs. This bill will continue that tradition by allowing us to assess current opportunities for sports participation for young women, and correct any deficiencies. With this new information, we can ensure that young women all over the country have the chance not only to improve their athletic ability, but also to develop the qualities of teamwork, discipline, and self-confidence that lead to success off the playing field.

By Mr. DURBIN (for himself, Mr. WICKER, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. LEVIN, Mr. REID, and Ms. STABENOW):

S. 473. A bill to establish the Senator Paul Simon Study Abroad Foundation; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to reintroduce the Senator Paul Simon Study Abroad Foundation Act.

This year marks the 200th anniversary of Abraham Lincoln's birth. We will spend this bicentennial year reflecting on Lincoln's legacy, a legacy that extends far beyond the Civil War. President Lincoln strove to democratize higher education. He enacted the Morrill Act, establishing public land grant universities and opening the doors to a college education to more Americans.

As we recognize Lincoln's legacy this year, we can again transform higher education. Today with Senator WICKER I am introducing the Senator Paul Simon Study Abroad Foundation Act, which has the potential to equip a new generation of Americans with the skills to live in a globalized world.

The bill is named after the late Senator Paul Simon, a man whose passion for the public good remains an inspiration to all who knew him. Shortly before his death in late 2003, Senator Simon came back to Washington to talk to his former colleagues about the need to strengthen American security. He wondered how the United States could lead the world to stability, peace, and harmony when so many Americans are ignorant of the world. He envisioned a United States populated by a generation of Americans with greater international understanding—an understanding arrived at not by just studying the world, but by living in it. He believed this study abroad initiative would be as transformative as Lincoln's work to expand access to college.

Paul's tireless efforts led to Congress' establishment of the Abraham Lincoln Study Abroad Commission. I was honored to serve on this bipartisan Lincoln Commission, and it was a privilege for me to introduce legislation in the past two Congresses to

bring Paul Simon's dream closer to reality. The bill is based on the Commission's recommendations for a study abroad program for undergraduate students that will help build global awareness and international understanding. In the last Congress, this bill was supported by 50 bipartisan cosponsors.

The Senator Paul Simon Study Abroad Foundation Act has big goals. It declares our intention to send one million students abroad per year within the next decade. More of those students will study in the developing world and the students we send will be more diverse in terms of race, socioeconomic background, and field of study. To accomplish these goals, a small public-private entity, the Senator Paul Simon Foundation, will award grants to students and institutions of higher education. The goal of the program is to make study abroad in high-quality programs in diverse locations around the world more common for all college students. Grants to colleges and universities will be used to encourage tearing down institutional barriers to study abroad. By leveraging change at the institution level, the Foundation will create opportunities for countless students—far more than possible through direct student grants alone.

Expanding study abroad should be a national priority. The future of the country depends on globally literate citizens who are at ease in the world. In his troubled time, Lincoln said, ''The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew.'' Today, our Nation also faces an occasion piled high with difficulty. By passing the Senator Paul Simon Study Abroad Foundation Act, we will send the next generation of Americans out into the world with open minds and they will come back able to think anew and act anew. I ask my colleagues to join Senator WICKER and me in support of this important legislation.

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

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

S. 473

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 ''Senator Paul Simon Study Abroad Foundation Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to former President George W. Bush, ''America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.''.

(2) According to former President William J. Clinton, ''Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.''.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, ''[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning'' and, for that reason, ''is simply essential to the [N]ation's security''.

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for ''scholarship, exchange, and library programs''. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was ''unfulfilled,'' and stated that ''[t]he U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.''. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of ''D'' for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of ''D'' into an ''A'' by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

(16) To restore America's standing in the world, President Barack Obama has said that he will call on our nation's greatest resource, our people, to reach out to and engage with other nations.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Foundation established pursuant to section 5(d).

(3) CHIEF EXECUTIVE OFFICER.—The term ''Chief Executive Officer'' means the chief executive officer of the Foundation appointed pursuant to section 5(c).

(4) FOUNDATION.—The term ''Foundation'' means the Senator Paul Simon Study Abroad Foundation established by section 5(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of

the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term ''nontraditional study abroad destination'' means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) STUDY ABROAD.—The term ''study abroad'' means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

(9) UNITED STATES.—The term ''United States'' means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) UNITED STATES STUDENT.—The term ''United States student'' means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the ''Senator Paul Simon Study Abroad Foundation'' that shall be responsible for carrying out this Act. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this Act;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this Act; and

(5) minimize administrative costs and maximize the availability of funds for grants under this Act.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.''.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this Act and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for one additional 3 year term.

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

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than 1,000,000 undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under

the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 7. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2010, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this Act during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 8(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 6(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 6(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this Act;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this Act.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(S) the Senator Paul Simon Study Abroad Foundation.''.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 11(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 9. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term ''agency'' means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 10. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 3;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 5(b);

(3) whether grantmaking by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 6;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 6; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act $80,000,000 for fiscal year 2010 and each subsequent fiscal year.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

By Mr. GRASSLEY (for himself and Mrs. MCCASKILL):

S. 474. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I come to introduce another bill as part of my Accountability in Government Week. Yesterday I introduced the False Claims Act Clarification Act to help restore the original intent of the most successful law the Government utilizes to protect taxpayers' dollars from fraud, waste, and abuse.

One key component I added to the False Claims Act when it was amended in 1986 was allowing whistleblowers to file cases on behalf of the Government when they are aware of fraud or abuse of taxpayers' funds. Whistleblowers are the key to unlocking the secrets of wrongdoing because they have access to information about how the frauds were perpetrated and can help lead authorities in the right direction to uncover the fraud. However, for their brave efforts whistleblowers are often the victims of retaliation and are removed from their jobs by supervisors who do not want the wrongdoing uncovered.

I have often said whistleblowers were as welcome as skunks at a picnic, despite the fact that all they do is bring forward the truth. This is wrong. That is why I have supported strong whistleblower protection laws during my time in the Congress.

The landmark whistleblower law is the Whistleblower Protection Act of 1989—I believe is the year it was passed—providing rights and remedies to executive branch whistleblowers who are the victims of retaliation. I proudly cosponsored that bill. But like many laws that are 20 years old, it needs to be updated. So I have cosponsored legislation introduced by Democratic Senator AKAKA to do just that. However, that law also needs to be extended to employees of the legislative and judicial branches of Government. So I come today to start the discussion and to introduce legislation that will provide the same whistleblower protection rights currently extended to executive branch employees to the legislative branch.

I am pleased to be joined by Senator MCCASKILL in introducing the Congressional Whistleblower Protection Act of 2009. This important legislation simply adds whistleblower protections to the legislative branch by incorporating the Whistleblower Protection Act into the Congressional Accountability Act of 1995, a law that I authored to bring Congress in line with many labor and workplace practices that affected businesses around the country because I have long believed Congress should practice what it preaches. This legislation will do just that.

You might remember the Congressional Accountability Act was passed because, going back to the 1930s, Congress had exempted itself from a lot of employment laws because we individual Senators are employers, the Congress is an employer, but we exempted ourselves from, I think, 18, 19 different laws at that particular time.

So in 1995 I wanted to end the proposition of why we had two sets of laws in this country—one for Capitol Hill and one for the rest of the country. Now, since 1995, we have one set of laws, but we do not have the whistleblower protections that ought to be in it.

A theme that has dominated this new Congress, as well as dominated the campaign of last fall, is accountability and responsibility in Washington. In most instances, the only reason we discovered waste or fraud is because employees were brave enough to stand up to the wrongdoers and to expose the offenses. Without these whistleblowers, the American taxpayer would continue to foot a bill that might be a violation of law, might be fraudulent use of taxpayers' money, might just be a waste of taxpayer money. Either way, taxpayers are hurt.

This bill is long overdue. I have previously introduced similar legislation, but, unfortunately, those bills were never brought out of committee. I hope the Homeland Security and Government Affairs Committee, of which the chairman is on the Senate floor—I did not know the Senator would be so available for me to preach to him. I hope the Homeland Security and Governmental Affairs Committee will examine this legislation and will closely and expeditiously report it to the full Senate so we can ensure employees of the legislative branch that they are protected from any reprisals relating to protected whistleblowing the same way as executive branch employees.

Now, it has been a number of years since the Congressional Accountability Act was signed into law. So I would like to remind my colleagues why we passed that law. It was a time very similar to today. The American people were demanding more from their elected officials in Washington and wanted accountability and transparency in all branches of Government. I believed then, as I do now, that Congress needs to put its money where its mouth is and apply the various labor and employment laws that were enforced on other branches of Government and businesses all across the country.

That is what the Congressional Accountability Act did. It applied a number of important laws to Congress, including the Fair Labor Standards Act, title VII, the Civil Rights Act, the Americans With Disabilities Act, the Age Discrimination in Employment Act, Family Medical Leave Act, the Occupational Safety and Health Act, Employee Polygraph Protection Act, Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, as well as some provisions of title V relating to Federal service labor-management relations. It also created the Office of Compliance of the legislative branch that oversees the application of these important laws to this branch of Government and ensures that employees' rights under these laws are protected.

While the Congressional Accountability Act was a good start, the Office of Compliance has recommended additional laws be applied to the legislative branch, including the purpose of my bill, the Whistleblower Protection Act.

We have already taken the steps to protect whistleblowers in the executive branch, so it does not make sense not to extend those same protections to whistleblowers working right here in our own backyard on Capitol Hill. My bill will, very simply, give congressional employees the same protections that workers of other branches of Government have. It does this by simply adding the Whistleblower Protection Act to the preexisting list of statutes that are applied to the legislative branch by the Congressional Accountability Act.

This is a straightforward and simple solution to ensuring that employees of the legislative branch are not without vital whistleblower protections. So I ask, in closing, that my colleagues join me and Senator MCCASKILL in supporting this bill to ensure that those who help us in the fight to hold Government accountable are not punished for those efforts.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 481. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

Ms. SNOWE. Mr. President, I rise to introduce a bill with Senator WHITEHOUSE to extend the reach of the Federal Bureau of Investigation into financial crimes that may have helped precipitate last year's economic meltdown.

We must investigate and scrutinize this financial crisis as we would a terrorist attack in order to determine its causes and how to preempt another economic collapse in the United States.

Following the September 11 attacks, the FBI redirected approximately 1,000 agents to counterterrorism and counterintelligence activities. Without a doubt, there is no argument that our country has benefitted from the dedicated efforts of the men and women of the FBI who are performing this valuable work.

Over a 10-year period, from fiscal year 1999 to fiscal year 2008, Congress has increased direct appropriations for the FBI from $2.993 billion and 26,693 positions to $6.658 billion—122 percent increase—and 30,211 positions—13 percent increase. Most of these new resources were provided in the wake of the September 11 terrorist attacks, as the FBI redirected its resources toward combating domestic and international terrorism by improving its intelligence gathering and processing capabilities. As a consequence, for fiscal year 2008, about 60 percent of FBI funding and staffing is allocated to national security programs, including counterterrorism and counterintelligence.

In view of the breadth and severity of the economic crisis brought on by events in U.S. financial markets, however, I am very concerned that criminal wrongdoing may have played a significant role in crippling some of America's largest companies. Criminal activity, such as fraud, misrepresentation, self-dealing, and insider trading may have instigated or exacerbated the financial industry upheaval of 2008–2009.

In order to augment FBI investigations of financial crimes, the FBI Priorities Act of 2009 authorizes $150 million for each of the fiscal years 2010 through 2014 to fund approximately 1,000 Federal Bureau of Investigation field agents in addition to the number of field agents serving on the date of enactment. It is my hope that this extra manpower will enable the FBI to develop leads on unlawful actions, dig deeply into those leads, and bring responsible parties to justice. The American public deserves no less.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. ALEXANDER, Mr. REID, Mr. LUGAR, Mr. LIEBERMAN, Mr. ISAKSON, Mr. DODD, Mr. GRASSLEY, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BROWN, and Mr. CARDIN):

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

Mr. FEINGOLD. Mr. President, today I will once again introduce with the senior Senator from Mississippi, Mr. COCHRAN, the Senate Campaign Disclosure Parity Act, a bill to require that Senate candidates file their campaign finance disclosure reports electronically and that those reports be promptly made available to the public. This step is long overdue; indeed I first introduced this bill in 2003. I hope that the Senate will act quickly on this legislation this year.

A series of reports by the Campaign Finance Institute has highlighted the anomaly in the election laws that makes it nearly impossible for the public to get access to Senate campaign finance reports while most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission, FEC. The Campaign Finance Institute asks a rhetorical question: ''What makes the Senate so special that it exempts itself from a key requirement of campaign finance disclosure that applies to everyone else, including candidates for the House of Representatives and Political Action Committees?''

The answer, of course, is nothing. The U.S. Senate is special in many ways. I am proud to serve here. But there is no excuse for keeping our campaign finance information inaccessible to the public when the information filed by House candidates or others is readily available.

My bill amends the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours. The FEC is required to make available on the Internet within 24 hours any filing it receives electronically. So if this bill is enacted, electronic versions of Senate reports should be available to the public within 48 hours of their filing. That will be a vast improvement over the current situation, which, according to the Campaign Finance Institute, requires journalists and interested members of the public to review computer images of paper-filed copies of reports, and involves a completely wasteful expenditure of hundreds of thousands of dollars to re-enter information into databases that almost every campaign has available in electronic format.

The current filing system also means that the detailed coding that the FEC does, which allows for more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. This means that the final disclosure reports covering the first two weeks of October are often not susceptible to detailed scrutiny before the election. According to the Campaign Finance Institute, in the 2006 election, ''[v]oters in six of the hottest Senate races were out of luck the week before the November 7 election if they did Web searches for information on general election contributions since June 30. . . . In all ten of the most closely followed Senate races voters were unable to search through any candidate reports for information on pre-general election (October 1–18) donations.'' And a September 18, 2006, column by Jeffery H. Birnbaum in the Washington Post noted that ''When the polls opened in November 2004, voters were in the dark about $53 million in individual Senate contributions of $200 or more dating all the way back to July. . . .''

Because the Senate failed to pass this bill last Congress, even though we had 48 bipartisan cosponsors and no known opposition, and even though the Senate Rules Committee reported the bill by voice vote, the same problem existed for Senate elections in the 2008 cycle. In addition, because of the expense, when the FEC puts information from the paper filings in its electronic database, it only enters contributions, not expenditures. So anyone interested in how a Senate campaign is spending its money has to consult the paper forms.

As Roll Call said in its recent editorial in favor of the bill, ''[i]t's time for this nonsense to come to an end.'' It is time for the Senate to at long last relinquish its backward attitude toward campaign finance disclosure. I urge the enactment of this simple bill that will make our reports subject to the same prompt, public scrutiny as those filed by PACs, House and Presidential candidates, and even 527 organizations. I close with another question from the Campaign Finance Institute: ''Isn't it time that the Senate join the 21st century and allow itself to vote on a simple legislative fix that could significantly improve our democracy?'' This Congress, let us finally answer that question in the affirmative.

I ask unanimous consent that the text of the bill and the Roll Call editorial be printed in the RECORD.

[From Roll Call, Feb. 11, 2009]

OUTRAGEOUS

In this year when ''transparency'' is all the rage, it would be appropriate for the Senate—at long last—to join the House and every federal political committee in filing campaign finance reports electronically.

Fundraising and spending reports for the end of 2008 were due on Jan. 31. Reports for House Members and candidates and the Republican and Democratic parties and their campaign committees all were instantly available to the media, watchdog groups and the public on the Federal Election Commission's Web site.

But Senate reports take weeks from the filing deadline to make it into the public realm. And when they are made available, it's at the conclusion of a circuitous process

that costs taxpayers an estimated $250,000 a year that could be far better spent elsewhere—almost anywhere else—or simply used to narrow the federal deficit.

Moreover, because of the expense, the FEC does not electronically post Senate campaign expenditures, only contributions—a gap that Steve Weissman of the Campaign Finance Institute correctly calls ''outrageous.''

Senators use FEC-approved software to compile their reports, but then they snail-mail paper copies to the office of the Secretary of the Senate, which then scans some 27,000 pages and sends them electronically to the FEC.

They can be then combed through page by page on the FEC Web site, but not digitally manipulated or matched. The FEC hires a contractor to key the data into digital form. Only then, a month or more after the filing deadline, can the data be searched and connections made, if any, between money collected and votes or positions Senators or their opponents have taken.

But it still takes page-by-page searching to review candidates' spending—to determine, for instance, if candidates' relatives are on the campaign payroll.

All this ridiculous complexity is necessary because in 2000 the Senate exempted itself from an electronic filing requirement written into the FEC's appropriation. Legislation to correct the situation has been regularly introduced by Sen. Russ Feingold (D–Wis.), and it's regularly had dozens of cosponsors.

But it's never passed. Change was resisted at first by Sen. Robert Byrd (D–W.Va.), who wanted to maintain a fusty Senate ''prerogative,'' and then by various Republican Senators who wanted to attach amendments that amounted to ''poison pills.''

Last year, the Senate Rules and Administration Committee approved the bill for floor action, but it was blocked by Sen. John Ensign (R–Nev.) who sought to add a provision requiring disclosure of the donors to any organization filing ethics complaints against a Senator. The bill never was voted on.

It's time for this nonsense to come to an end. Feingold is planning to re-introduce the measure soon. It ought to be processed promptly by the Rules Committee, now chaired by Sen. Charles Schumer (D–N.Y.), and pushed to the floor for passage as early in the year as possible so if it's subject to more shenanigans, they can be exposed and resolved.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. BOXER, Mr. SCHUMER, Mrs. MCCASKILL, and Mr. BOND):

S. 483. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today I am introducing the Mark Twain Commemorative Coin Act. I am pleased to be joined by Senators LIEBERMAN, BOXER, SCHUMER, MCCASKILL, and BOND in cosponsoring this legislation, which authorizes the Secretary of the Treasury to mint 100,000 five-dollar gold coins and 500,000 silver dollar coins in a design emblematic of the life and legacy of Mark Twain.

Samuel L. Clemens, better known by his pen name ''Mark Twain,'' was born in 1835 in Florida, Missouri, and died in 1910 while residing in my home State of Connecticut. As many of us know from having read his works, Twain is an iconic author who has left an indelible mark on our Nation's history. Two of his most renowned works, ''The Adventures of Tom Sawyer'' and ''Adventures of Huckleberry Finn,'' have become a central part of the American literary canon and are still widely read in schools and universities across the country. Another enduring work, entitled ''The Gilded Age: A Tale of Today,'' satirized the excesses of the age during which it was written, and solidified Twain's reputation as a fierce but subtle social critic. His writings evoke discussions of race, politics, and economic inequality, all issues with which our nation continues to struggle as we become a ''more perfect union.''

This bill will allow the Treasury to mint and issue coins in commemoration of Mark Twain's lasting contributions to America's literary tradition and cultural heritage. A portion of proceeds from surcharges of $35 and $10 applied to each gold and silver coin sold to the public will be distributed by the Treasury to support four institutions critical to the mission of promoting Mark Twain's legacy: The Mark Twain House & Museum in Hartford, CT; the Mark Twain Project at the Bancroft Library of the University of California, in Berkeley, CA; the Center for Mark Twain Studies at Elmira College, in New York; and the Mark Twain Boyhood Home & Museum in Hannibal, MO.

The Mark Twain House and Museum in Hartford, CT, is a national historic landmark. Each year, over 60,000 visitors flock there, many of them from outside my home State. This site offers a unique experience to all who visit, and serves as a center for educating young and old alike about Mark Twain's life and legacy. However, as recent news articles have reported, the Mark Twain House and Museum has—not unlike many other nonprofit entities across the country in the midst of the economic downturn—struggled to cover operating costs solely on private donations, and the financial challenges it currently faces are substantial. Passing this legislation will help to support the continued operation and restoration of the Mark Twain House, and promote its goals by honoring Mark Twain with a commemorative coin desirable to coin collectors as well as enthusiasts of American history and literature.

Congressman JOHN LARSON of Connecticut is introducing companion legislation today in the House of Representatives. As a procedural matter, the House Financial Services Committee requires no less than 290 cosponsors for any commemorative coin bill to come under committee consideration, and similar cosponsorship rules are in place for the Senate Committee on Banking, Housing, and Urban Affairs. Moreover, the House adheres to a tradition of interpreting commemorative coin bills as ''revenue-raisers'' subject to the origination clause of the U.S. Constitution. Passing the Mark Twain Commemorative Coin Act through both Houses will require no small amount of effort, but today marks an important first step as we put this legislative proposal forward and begin to generate broad public support for the effort. Once Congressman LARSON'S companion bill meets the necessary requirements and is adopted by the full House, I intend to press it forward here in the Senate.

The legislation I am introducing will require broad bipartisan support to meet the high threshold for commemorative coin legislation established by the rules of the Committee on Banking, Housing, and Urban Affairs, so I urge my colleagues to cosponsor this legislation and join me in supporting the life and legacy of Mark Twain, as well as the important places in our Nation that promote further study and education on his significant contributions to American history.

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. 483

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 ''Mark Twain Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) Samuel Clemens—better known to the world as Mark Twain—was a unique American voice whose literary work has had a lasting effect on our Nation's history and culture;

(2) Mark Twain remains one of the best known Americans in the world, with over 6,500 editions of his books translated into 75 languages;

(3) Mark Twain's literary and educational legacy remains strong even today, with nearly every book he wrote still in print, including ''The Adventures of Tom Sawyer'' and ''Adventures of Huckleberry Finn''—both of which have never gone out of print since they were first published over a century ago;

(4) in the past 2 decades alone, there have been more than 100 books published and over 250 doctoral dissertations written on Mark Twain's life and work;

(5) even today, Americans seek to know more about the life and work of Mark Twain, as people from around the world and across all 50 States annually flock to National Historic Landmarks like the Mark Twain House & Museum in Hartford, Connecticut and the Mark Twain Boyhood Home & Museum in Hannibal, Missouri; and

(6) Mark Twain's work is remembered today for addressing the complex social issues facing America at the turn of the century, including the legacy of the Civil War, race relations, and the economic inequalities of the ''Gilded Age''.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;
(B) have a diameter of 0.850 inches; and
(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—
(A) weigh 26.73 grams;
(B) have a diameter of 1.500 inches; and
(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—
(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of Mark Twain.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—
(A) a designation of the value of the coin;
(B) an inscription of the year ''2013''; and
(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—
(1) selected by the Secretary, after consultation with the Commission of Fine Arts and the Board of the Mark Twain House & Museum; and
(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2013.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—
(1) the face value of the coins;
(2) the surcharge provided in section 7(a) with respect to such coins; and
(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—
(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.
(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—
(1) $35 per coin for the $5 coin; and
(2) $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:
(1) ⅖ of the surcharges, to the Mark Twain House & Museum in Hartford, Connecticut, to support the continued restoration of the Mark Twain house and grounds, and to ensure continuing growth and innovation in museum programming to research, promote, and educate on the legacy of Mark Twain.
(2) ⅕ of the surcharges, to the Mark Twain Project at the Bancroft Library of the University of California, Berkeley, California, to support programs to study and promote Mark Twain's legacy.
(3) ⅕ of the surcharges, to the Center for Mark Twain Studies at Elmira College, New York, to support programs to study and promote Mark Twain's legacy.
(4) ⅕ of the surcharges, to the Mark Twain Boyhood Home & Museum in Hannibal, Missouri, to preserve historical sites related to Mark Twain and to help support programs to study and promote Mark Twain's legacy.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of each of the organizations referred to in paragraphs (1), (2), (3), and (4) of subsection (b) as may be related to the expenditures of amounts paid under such subsection.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Mr. BROWN, Mr. CARDIN, Mrs. BOXER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. NELSON of Florida, and Mr. MENENDEZ):

S. 484. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help protect the retirement benefits earned by our Nation's public service workers.

I am pleased to be joined by my colleague from Maine, Senator COLLINS, as well as Senators DURBIN, KERRY, BROWN, CARDIN, BOXER, LINCOLN, WHITEHOUSE, NELSON of Florida, and MENENDEZ.

This bill will repeal two provisions of the Social Security Act—the Government pension offset and the windfall elimination provision—that unfairly reduce retirement benefits for teachers, police officers, and firefighters.

These two provisions were originally designed—the Government pension offset in 1977 and the windfall elimiantion provision in 1983—to prevent public employees from being unduly enriched.

But, the practical effect is that those providing critical public services are unjustly penalized.

Approximately 1½ million Federal, State, and municipal workers, as well as teachers and other school district employees, are held to a different standard when it comes to retirement benefits.

In California, the problem affects about 200,000 workers.

The Government pension offset reduces a public employee's Social Security spousal or survivor benefits by an amount equal to two-thirds of the individual's public pension.

In most cases, the Government pension offset eliminates the spousal benefit for which an individual qualifies. Three quarters of employees affected by the Government pension offset lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years.

According to the Congressional Research Service, the Government pension offset provision alone reduces the retirement benefits earned by nearly 500,000 Americans each year by an average of $500 per month.

The windfall elimination provision reduces Social Security benefits by up to 50 percent for retirees who have paid into Social Security and also receive a public pension, such as from a State teacher retirement fund.

Private-sector retirees receive monthly Social Security checks equal to 90 percent of their first $744 in average monthly career earnings, plus 32 percent of monthly earnings up to $4,483 and 15 percent of earnings above $4,483.

Under the windfall elimination provision, retired public employees, however, are only allowed to receive 40 percent of the first $744 in career monthly earnings, a penalty of over $350 per month.

Our legislation will allow government pensioners the chance to earn the same 90 percent to which nongovernment pension recipients are entitled.

For those living on fixed incomes, in some cases this represents the difference between a comfortable retirement and poverty.

Americans are hurting as our economy continues to contract.

More than $4 trillion in retirement savings were lost last year as markets destabilized and investments soured.

Retirees on fixed incomes have been especially impacted by this recession. Every dollar matters to a retiree struggling to pay bills and meet mortgage obligations.

In California, more than 837,000 foreclosures were filed last year. The roughly $500 lost by beneficiaries to the Government pension offset each month may mean the difference between foreclosure and keeping one's home.

This is also critical for seniors residing in assisted living facilities or retirement communities concerned about paying the increasingly high cost of care.

Our Nation's unemployment rate stands at 7.6 percent. And, in my State, over 1.7 million people are out of work. For those close to retirement who have lost their jobs, reductions in Social Security benefits compound an already challenging situation.

We must also eliminate the barriers which discourage many Americans from pursuing careers in public service.

This is more difficult now than ever, as states face mounting deficits and painful budget cuts. Communities must be able to retain their most qualified teachers, police officers, and firefighters.

Unfortunately, the Government pension offset and windfall elimination provision only contribute to this problem at a time when we should be doing everything we possibly can to bring the best and brightest to these careers.

It is estimated that schools will need to hire between 1.7 million and 2.7 million new teachers nationwide by the end of this year because of record enrollments in public schools.

The projected retirements of thousands of veteran teachers and critical efforts to reduce class sizes also necessitate hiring additional teachers.

California currently has roughly 310,000 teachers but will need to double this number over the next decade, to 600,000 teachers, in order to keep up with student enrollment levels.

It is counterintuitive that on the one-hand, policymakers seek to encourage people to change careers and enter the teaching profession, while on the other hand, those wishing to do so are told that their retirement benefits will be significantly reduced.

I certainly recognize that our Federal budget deficit and national debt make repealing the Government pension offset and windfall elimination provision difficult.

And, I remain open to considering any alternatives that will allow hard working employees to keep the Social Security benefits to which they are entitled.

But the bottom line is that we should respect, not penalize, our public service employees.

In the 110th Congress, 38 Senators joined me in cosponsoring this legislation. In the House of Representatives, 351 Members of Congress supported Representative HOWARD BERMAN's companion bill. Our bill enjoys the support of more than three quarters of the entire House of Representatives.

The reason for this support is because public servants across the country are calling on Congress to act.

It is long overdue that we resolve this inequity, and it is time that this body protects retirement benefits for public employees and formulates a more cohesive approach to promoting public sector employment.

So I hope that my colleagues will join me in protecting the retirement benefits of our Nation's hard working public servants. We value their contributions and must ensure that all Americans receive the retirement benefits they have earned and deserve.

I ask unanimous consent that a copy of the text of the legislation 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. 484

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 ''Social Security Fairness Act of 2009''.

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking ''subsections (k)(5) and (q)'' and inserting ''subsection (q)''.

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking ''subsections (k)(5) and (q)'' and inserting ''subsection (q)''.

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking ''subsection (k)(5), subsection (q),'' and inserting ''subsection (q)''.

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking ''subsection (k)(5), subsection (q)'' and inserting ''subsection (q)''.

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking ''section 215(f)(5), 215(f)(6), or 215(f)(9)(B)'' in subparagraphs (C) and (D)(i) and inserting ''paragraph (5) or (6) of section 215(f)''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2009. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.

Ms. COLLINS. Mr. President, I am pleased to be joining my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act, which repeals both the windfall elimination provision, WEP, and the Government pension offset, GPO. We believe that these two provisions in the Social Security Act unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications for many of our teachers, police officers, firefighters, postal workers and other public employees. Given their important responsibilities, it is simply unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. They have worked long enough to earn their Social Security benefits. Yet because of the GPO and WEP, they are unable to receive all of the Social Security benefits to which they otherwise would be entitled.

The impact of these two provisions is most acute in 15 States, including Maine, which have State retirement plans that lack a Social Security component. However, it is important to point out that the GPO and WEP affect public employees and retirees in every State, and in particular our emergency responders, our postal workers and our other Federal employees. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost 1 million retired public employees across the country have already been harmed by these provisions. Many more stand to be harmed in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in retirement benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the public servants who are so critical to the safety and well-being of our families.

What is most troubling is that this offset is most harsh for those who can least afford the loss: lower income women. In fact, of those affected by the GPO, over 70 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 individuals by more than $3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Many Maine teachers, in particular, have talked with me about the impact of these provisions on their retirement security. They love their jobs and the children they teach, but they worry about the future and about their financial security.

In September of 2003, I chaired an oversight hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from Julia Worcester of Columbia, ME, who was then 73. Mrs. Worcester told the committee about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement.

Mrs. Worcester had worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State retirement system for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, even though she worked hard and paid into the Social Security system for more than 20 years, she receives less than $800 a month in total pension income.

After a lifetime of hard work, Mrs. Worcester, who turns 78 next month, is still substitute teaching just to make ends meet. She cannot afford to stop working. This simply is not right.

It is time for us to take action, and I urge all of my colleagues to join us in cosponsoring the Social Security Fairness Act to eliminate these two unfair provisions.

By Ms. MURKOWSKI (for herself and Mr. BYRD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to a

seat in the House of Representatives for the District of Columbia; to the Committee on the Judiciary.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that S.J. Res. 11, proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia, be printed in the RECORD.

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

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. The people of the District constituting the seat of Government of the United States shall elect one representative to the House of Representatives who is a resident of that District. The representative so elected shall have the same rights, privileges, and obligations as a Representative from a State.

''SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out in 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, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance 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. 2a. The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $5,210,765, of which amount (1) not to exceed $17,500 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 $5,833 may be expended for the training of the 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 $9,161,539, of which amount (1) not to exceed $30,000 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 $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,901,707 of which amount (1) not to exceed $12,500 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 $4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2010.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related !o the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009 through September 30, 2010; and October 1, 2010 through February 28, 2011, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 55—DESIGNATING EACH OF FEBRUARY 4, 2009, AND FEBRUARY 3, 2010, AS ''NATIONAL WOMEN AND GIRLS IN SPORTS DAY''

Ms. SNOWE (for herself, Mrs. MURRAY, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 55

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972 (Public Law 92–318; 86 Stat. 373);

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That the Senate—

(1) designates each of February 4, 2009, and February 3, 2010, as ''National Women and Girls in Sports Day''; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe ''National Women and Girls in Sports Day'' with appropriate ceremonies and activities.

SENATE RESOLUTION 56—URGING THE GOVERNMENT OF MOLDOVA TO ENSURE A FAIR AND DEMOCRATIC ELECTION PROCESS FOR THE PARLIAMENTARY ELECTIONS ON APRIL 5, 2009

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

S. RES. 56

Whereas Senate Resolution 60, 110th Congress, agreed to February 17, 2005, expressed the support of the Senate for democratic reform in Moldova and urged the Government of Moldova to ensure a democratic and fair election process for the parliamentary elections on March 6, 2005, by ensuring ''unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis'' and