

provider of alternative dispute resolution services.

“(4) An Internet service provider or provider of telephone services.”.

**SEC. 9. STAFF EXCHANGES.**

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

**“SEC. 25A. STAFF EXCHANGES.**

“(a) IN GENERAL.—The Commission may—

“(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

“(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

“(b) RECIPROCITY AND REIMBURSEMENT.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

“(c) STANDARDS OF CONDUCT.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.”.

**SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.**

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting “the Federal Trade Commission,” after “the Securities and Exchange Commission.”.

**SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSATED SERVICES.**

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

**“SEC. 26. REIMBURSEMENT OF EXPENSES.**

“The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

**“SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.**

“(a) IN GENERAL.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of title 31, United States Code, accept voluntary and uncompensated services.

“(b) LIMITATIONS.—

“(1) CONFLICTS OF INTEREST.—The Commission shall establish written guidelines setting forth criteria to be used in determining whether the acceptance, holding, administration, or use of a gift, donation, or bequest pursuant to subsection (a) would reflect unfavorably upon the ability of the Commission or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the in-

tegrity or the appearance of the integrity of its programs or any official involved in those programs.

“(2) VOLUNTARY SERVICES.—A person who provides voluntary and uncompensated service under subsection (a) shall be considered a Federal employee for purposes of—

“(A) chapter 81 of title 5, United States Code, (relating to compensation for injury); and

“(B) the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees.

“(3) TORT LIABILITY OF VOLUNTEERS.—A person who provides voluntary and uncompensated service under subsection (a), while assigned to duty, shall be deemed a volunteer of a nonprofit organization or governmental entity for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.). Subsection (d) of section 4 of such Act (42 U.S.C. 14503(d)) shall not apply for purposes of any claim against such volunteer.”.

**SEC. 12. PRESERVATION OF EXISTING AUTHORITY.**

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

**SEC. 13. REPORT.**

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided non-public investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57-2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

**AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS**

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the senior Senator from New Mexico be authorized to sign duly enrolled bills or joint resolutions.

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

**AUTHORITY TO MAKE APPOINTMENTS**

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

**PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 361 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 361) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 361) was agreed to, as follows:

**H. CON. RES. 361**

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 16, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, March 28, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, March 16, 2006, Friday, March 17, 2006, or Saturday, March 18, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 27, 2006, or such other time on that day as may be specified by its Majority*

Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

#### MEASURES READ THE FIRST TIME

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time, en bloc.

The legislative clerk read as follows:

A bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

A bill (H.R. 4911) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

Mr. FRIST. I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### SECURING AMERICA'S BORDERS ACT—MOTION TO PROCEED

Mr. FRIST. Mr. President, I ask unanimous consent that the bill I introduced earlier today on border control be placed on the calendar. I further ask it now be in order to make a motion to proceed to the bill at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. I now move to proceed to the bill. I send a cloture motion to the desk.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the motion to proceed to S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Bill Frist, Craig Thomas, John Cornyn, Johnny Isakson, Jim Bunning, Mel Martinez, Saxby Chambliss, Charles E. Grassley, Elizabeth Dole, Christopher S. Bond, Judd Gregg, Chuck Hagel, Lisa Murkowski, Richard Burr, Conrad Burns, Kay Bailey Hutchison, Mitch McConnell.

Mr. FRIST. I ask unanimous consent the live quorum under rule XXII be waived.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar 523, 567, 568, 569, 570, 571, 574, 580—David Kustoff, for U.S. Attorney, Western Division of Tennessee—581, 582, 583, 584, 585, 586, 587, 588, 589, 594, 597 and 598, and all the nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF JUSTICE

Paul J. McNulty, of Virginia, to be Deputy Attorney General.

#### DEPARTMENT OF STATE

Mark D. Wallace, of Florida, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Mark D. Wallace, of Florida, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Richard T. Miller, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Richard T. Miller, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

John A. Simon, of Maryland, to be Executive Vice President of the Overseas Private Investment Corporation.

Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy.

#### DEPARTMENT OF JUSTICE

David F. Kustoff, of Tennessee, to be United States Attorney for the Western Dis-

trict of Tennessee for the term of four years. John A. Clark, of Virginia, to be Director of the United States Marshals Service.

#### IN THE AIR FORCE

The following named officer for appointment in the Regular Air Force of the United States to the position and grade indicated under title 10, U.S.C., section 8037:

*To be major general and to be the deputy judge advocate general of the United States Air Force*  
Brig. Gen. Charles J. Dunlap, Jr.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. William H. Walker, IV

#### IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. James L. Snyder

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Joseph C. Carter

#### IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Robert R. Blackman, Jr.

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General Ronald S. Coleman

Brigadier General James F. Flock

Brigadier General George J. Flynn

Brigadier General Kenneth J. Glueck, Jr.

Brigadier General Dennis J. Hejik

Brigadier General Carl B. Jensen

Brigadier General Mary Ann Krusa-Dossin,

Brigadier General Robert B. Neller

Brigadier General John M. Paxton, Jr.

Brigadier General Edward G. Usher, III

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

*To be brigadier general*

Col. James C. Walker

#### IN THE NAVY

The following named officer for appointment as Deputy Judge Advocate General of the United States Navy and for appointment to the grade indicated under title 10, U.S.C., section 5149:

*To be rear admiral*

Capt. James W. Houck

#### DEPARTMENT OF COMMERCE

Robert C. Cresanti, of Texas, to be Under Secretary of Commerce for Technology.

*To be admiral*

Vice Adm. Thad W. Allen

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., Section 12203:

*To be rear admiral*

Rear Adm. (1h) John C. Acton