

in the Systems or such databases may not be transferred to or shared with any Federal, State, or local government officials for any purpose other than preventing unauthorized workers from obtaining employment.

“(K) PROTECTION AGAINST UNLAWFUL INTERCEPTION AND DATA BREACHES.—The Commissioner of Social Security and the Secretary shall protect against unauthorized disclosure of the information transferred between employers, the Commissioner, and the Secretary and between the Commissioner and the Secretary by requiring that all information transmitted be encrypted.

“(L) ROBUST COMPUTER SYSTEM AND SOFTWARE SECURITY.—The Commissioner of Social Security and the Secretary shall employ robust, state-of-the-art computer system and software security to prevent hacking of the System or the databases employed.

“(M) SYSTEM SECURITY TESTING.—

“(i) REQUIREMENT FOR TESTING.—The Commissioner of Social Security and the Secretary shall require periodic stress testing of the System to determine if the System contains any vulnerabilities to data loss or theft or improper use of data. Such testing shall occur not less often than prior to each phase-in expansion of the System.

“(ii) REQUIREMENT TO REPAIR VULNERABILITIES.—Any computer vulnerabilities identified under clause (i) or through any other process shall be resolved prior to initial implementation or any subsequent expansion of the System.

“(iii) REQUIREMENT TO UPDATE.—The Secretary shall regularly update the System to ensure that the data protections in the System remains consistent with the state-of-the-art for databases of similarly sensitive personally identifiable information.

“(N) PROHIBITION OF UNLAWFUL ACCESSING AND OBTAINING OF INFORMATION.—

“(i) IMPROPER ACCESS.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined not less than \$1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

“(ii) IDENTITY THEFT.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined not less than \$10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

“(O) OFFICE OF EMPLOYEE PRIVACY.—

“(i) ESTABLISHMENT.—The Commissioner of Social Security and the Secretary shall establish a joint Office of Employee Privacy that shall be empowered to protect the rights of employees subject to verification under the System.

“(ii) AUTHORITY TO INVESTIGATE.—The Office of Employee Privacy shall investigate alleged privacy violations concerning failure of the Commissioner or the Secretary to satisfy the requirements of subparagraphs (H) through (Q) of this paragraph and any data breaches that may occur pursuant to the implementation and operation of the System.

“(iii) AUTHORITY TO ISSUE SUBPOENAS.—The head of the Office of Employee Privacy may issue subpoenas for a document or a person to facilitate an investigation.

“(iv) ANNUAL REPORT TO CONGRESS.—The head of the Office of Employee Privacy shall submit to Congress an annual report concerning the operation of the System.

“(v) ANNUAL REPORT ON INCORRECT NOTICES.—The head of the Office of Employee Privacy shall, at least annually, study and issue findings concerning the most common causes of the incorrect issuance of nonconfirmation notices under the System. Such report shall include recommendations for preventing such incorrect notices.

“(vi) AVAILABILITY OF REPORTS.—The head of the Office of Employee Privacy shall make available to the public any report issued by the Office concerning findings of an investigation conducted by the Office.

“(vii) REQUIREMENT FOR HOTLINE.—The head of the Office of Employee Privacy shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particularity data that resulted in the issuance of a nonconfirmation notice under the System.

“(viii) CERTIFICATION BY GAO.—The Secretary may not implement the System or any subsequent expansion or phase-in of the System unless the Comptroller General of the United States certifies that the Office of Employee Privacy has hired sufficient employees to answer employee inquiries and respond in real time concerning the particular data that resulted in the issuance of a nonconfirmation notice.

“(ix) TRAINING IN PRIVACY PROTECTION.—The head of the Office of Employee Privacy shall train any employee of the Social Security Administration or the Department of Homeland Security who implements or operates the System concerning the importance of and means of utilizing best practices for protecting employee privacy while utilizing and operating the System.

“(P) AUDITS OF DATA ACCURACY.—The Commissioner of Social Security and the Secretary shall randomly audit a substantial percentage of both citizens and work-eligible noncitizens files utilized to verify identity and authorization for the System each year to determine accuracy rates and shall require correction of errors in a timely fashion.

“(Q) EMPLOYEE RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any employee who contests a tentative nonconfirmation notice or final nonconfirmation notice may review and challenge the accuracy of the data elements and information in the System that resulted in the issuance of the nonconfirmation notice. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation notice to the Office of Employee Privacy. The head of the Office of Employee Privacy shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge.”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Friday, March 31, 2006, at 10 a.m. to consider the nomination of Uttam Dhillon to be Director of the Office of Counternarcotics Enforcement at the U.S. Department of Homeland Security and, immediately following the hearing, to consider the nomination of Mark D. Acton to be Commissioner of the Postal Rate Commission.

The PRESIDING OFFICER. Without objection it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on An Examination of the Call to Censure the President on Friday, March 31, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

### Witness List

Panel I: Robert F. Turner, Associate Director, Center for National Security Law, University of Virginia, Charlottesville, VA; Bruce Fein, Partner, Fein & Fein, Washington, DC; Lee Casey, Partner, Baker & Hostetler, Washington, DC; John Dean, White House Counsel to President Richard Nixon, Author, Worse than Watergate; John Schmidt, Partner, Mayer Brown Rowe Maw LLP, Chicago, IL.

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

## PRIVILEGE OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the duration of the immigration debate to Susannah Prucka, a member of my staff on the Subcommittee on Immigration, Border Security and Citizenship.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 599, 603, and 604. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon 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:

## SMALL BUSINESS ADMINISTRATION

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

## DEPARTMENT OF JUSTICE

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Jeffrey L. Sedgwick, of Massachusetts, to be Director of the Bureau of Justice Statistics.

# PROTOCOL AMENDING THE TAX CONVENTION WITH FRANCE

## TAX CONVENTION WITH BANGLADESH

### PROTOCOL AMENDING TAX CONVENTION ON INHERITANCES WITH FRANCE

### PROTOCOL AMENDING THE CONVENTION WITH SWEDEN ON TAXES ON INCOME

Mr. FRIST. I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 8, 9, 10, and 11; I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification, that any statements be printed in the RECORD as if read, and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

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

Mr. FRIST. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the motion will rise and stand until counted.

Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to en bloc.

The resolutions of ratification are as follows:

[Protocol Amending the Tax Convention with France (Treaty Doc. 109-4)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and France for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income of August 31, 1994, signed at Washington on December 8, 2004 (Treaty Doc. 109-4).*

[Tax Convention with Bangladesh (Treaty Doc. 109-5)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of the Peoples Republic of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Dhaka on September 26, 2004 (Treaty Doc. 109-5).*

[Protocol Amending Tax Convention on Inheritances with France (Treaty Doc. 109-7)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts of November 24, 1978, signed at Washington on December 8, 2004 (Treaty Doc. 109-7).*

[Protocol Amending the Convention with Sweden on Taxes on Income (Treaty Doc. 109-8)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income of September 1, 1994, together with an Exchange of Notes, signed at Washington on September 30, 2005 (Treaty Doc. 109-8).*

### RECOGNIZING THE VICTIMS OF HURRICANE RITA IN LOUISIANA AND TEXAS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 416, which was submitted earlier today. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 416) recognizing the victims of Hurricane Rita 6 months after the disaster, commending the resiliency of the people of Southwest Louisiana and Southeast Texas, and committing to stand by them in their relief and rebuilding efforts.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 416) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 416

Whereas, on September 24, 2005, Hurricane Rita reached landfall causing extensive and significant damage along the Louisiana and extreme southeastern Texas coasts;

Whereas Hurricane Rita was named the fourth most intense Atlantic Hurricane ever recorded and the most intense tropical cyclone observed in the Gulf of Mexico;

Whereas the storm caused the loss of power in 700,000 homes in the State of Louisiana;

Whereas the total damage is estimated at \$9,400,000,000, making Hurricane Rita the ninth-costliest storm in the history of the United States;

Whereas the human suffering continues for thousands of people who have lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is still critically needed in many of the areas affected by Hurricane Rita;

Whereas Federal, State, and local first responders, the National Guard, and many ordinary citizens have risked their lives to save others;

Whereas the American Red Cross, the Salvation Army, local religious organizations, and other volunteer organizations and charities continue to supply victims with necessities;

Whereas the State of Texas and numerous other States have welcomed thousands of victims from Louisiana and continue to provide them with aid and comfort; and

Whereas thousands of volunteers and government employees from across the Nation have committed time and resources to help with recovery efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses the condolences of the Nation to the victims of Hurricane Rita;

(2) recognizes the 6-month anniversary of the disaster;

(3) commends the resiliency and courage of the people of the States of Louisiana and Texas; and

(4) commits to providing the necessary resources and to standing by the people of the States of Louisiana and Texas in the relief, recovery, and rebuilding efforts in the areas impacted by Hurricane Rita.

### HONORING THE NATIONAL ASSOCIATION OF STATE VETERANS HOMES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 417, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 417) honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans.

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

Mr. LAUTENBERG. Mr. President, I am pleased that the Senate is considering this Senate resolution, which I submitted with Senator DOLE and 23 additional co-sponsors.

This resolution honors the National Association of State Veterans Homes, NASVH, and its 119 State homes for their support in caring for our Nation's military veterans. The State veterans' home program has been a successful partnership between the Federal Government and the States. It is responsible for the bulk of VA-supported long-term care services to veterans and their families.

The NASVH was first established in 1954 as a volunteer, nonprofit organization. Now, 119 State homes provide nursing home care, domiciliary care, and hospital-type care to over 27,500 veterans in 47 States and Puerto Rico. My State of New Jersey has three Veterans Homes, which serve approximately 1,000 veterans.