

“(1) COLLECTION OF FEES.—Fees collected under this section shall be allocated as follows:

“(1) 75 percent of such fees shall be deposited in the Treasury in accordance with section 286(c).

“(2) 25 percent of such fees shall be deposited in the Labor Law Enforcement Fund established in section 286(y).”

(b) FEES PAID BY EMPLOYERS.—Section 218B, as added by section 404(a) of this Act, is amended by striking subsection (a) and inserting the following:

“(a) GENERAL REQUIREMENTS.—

“(1) EMPLOYER REQUIREMENTS.—Each employer who employs an H-2C nonimmigrant shall—

“(A) file a petition in accordance with subsection (b); and

“(B) pay the appropriate fee, as determined by the Secretary of Labor.

“(2) USE OF FEES.—The fees collected under paragraph (1)(B) shall be allocated as follows:

“(A) 75 percent of such fees shall be deposited in the Treasury in accordance with section 286(c).

“(B) 25 percent of such fees shall be deposited in the Labor Law Enforcement Fund established in section 286(y).”

(c) LABOR LAW ENFORCEMENT FUND.—Section 286 (8 U.S.C. 1356), as amended by sections 302 and 403(b), is further amended by adding at the end the following new subsection:

“(y) LABOR LAW ENFORCEMENT FUND.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the ‘Labor Law Enforcement Fund’ (referred to in this subsection as the ‘Fund’).

“(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund the fees described in section 218A(1)(2) or 218B(a)(2).

“(3) PURPOSE.—Amounts deposited in the Fund shall be made available to the Secretary of Labor to ensure that employers in industries in the United States that employ a high percentage of workers who are granted nonimmigrant status under section 101(a)(15)(H)(ii)(c) comply with the provisions of the Fair Labor Standards Act of 1938, the Occupational Safety and Health Act of 1970, and section 218B(b)(2), including ensuring such compliance by random audits of such employers.

“(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Labor.”

#### SEC. 806. PROTECTION FOR WHISTLEBLOWERS.

Section 218A, as added by section 403(a)(1) of this Act, is amended by striking subparagraph (A) of subsection (f)(3) and inserting the following:

“(A) IN GENERAL.—

“(i) PERIOD OF UNEMPLOYMENT.—Except as provided in clause (ii) and in subsection (c), the period of authorized admission of an H-2C nonimmigrant shall terminate if the alien is unemployed for a period of 60 or more consecutive days.

“(ii) EXTENSION OF PERIOD.—

“(I) AUTHORITY.—The Secretary of Labor may extend the 60-day period referred to in clause (i), if the alien has filed a complaint with the Secretary of Labor that alleges that a violation of a Federal labor law by the alien's employer caused the alien's unemployment.

“(II) DETERMINATION.—Not later than 45 days after a complaint referred to in subsection (I) is filed, the Secretary of Labor shall make a determination whether an extension under subsection (I) is warranted to resolve the complaint.”

#### SEC. 807. LIABILITY IN CERTAIN CASES BASED ON IMMIGRATION STATUS.

Notwithstanding any other provision of law, an alien who is subject to an unlawful employment practice by an employer may not be denied backpay or other monetary relief for such unlawful employment practice on the basis of the alien's immigration status.

#### SEC. 808. DEPARTMENT OF LABOR BILINGUAL STAFF REQUIREMENT.

(a) REQUIREMENT FOR BILINGUAL STAFF.—The Secretary of Labor shall make every effort to ensure that, not later than 5 years after the date of enactment of this Act, not less than 25 percent of the investigative staff of the Department of Labor shall be fluent in a language in addition to English. The requirement of this section shall not be grounds for the termination of any employee employed by the Department of Labor on the date of enactment of this Act, nor for the reduction of any staff levels in the Department of Labor as of such date.

(b) ANNUAL REPORT.—The Secretary of Labor shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives an annual report on the progress made to carry out subsection (a).

**SA 4107.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

“(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

“(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

“(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

“(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

“(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

“(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

“(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

“(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

“(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

“(v) an estimate of the number of individuals who will be affected by the agreement,

“(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

“(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

“(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

“(3) For purposes of this subsection, the term ‘approval resolution’ means a joint resolution, the matter after the resolving clause of which is as follows: ‘That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and \_\_\_\_\_ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of \_\_\_\_\_, transmitted to the Congress by the President on \_\_\_\_\_, is hereby approved.’, the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

“(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

“(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.”

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

“(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

“(1) For any totalization agreement transmitted to Congress on or after April 1, 2006,

the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

“(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

“(B) contains recommendations for adjusting the methods used to make the estimates.

“(2) The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

“(g) GAO EVALUATION AND REPORT.—

“(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

“(A) an evaluation of the procedures used by the Chief Actuary of the Social Security Administration and the President for making the estimates required by subsection (e)(2)(A);

“(B) an evaluation of the procedures used by the President for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

“(C) such recommendations as the Comptroller General determines appropriate.

“(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

“(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after April 1, 2006.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, May 22 at 2:30 p.m. The purpose of this hearing is to receive testimony regarding nuclear power provisions contained in the Energy Policy Act of 2005.

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

### COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, May 22, 2006, in S-219 of the Capitol, immediately following a vote tentatively scheduled for 5:30 p.m. on the Senate floor, to consider favorably re-

porting the nomination of Susan C. Schwab to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, Executive Office of the President, vice Robert J. Portman.

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

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Monday, May 22, 2006, to consider the nominations of the Honorable Robert J. Portman to be Director, Office of Management and Budget; Robert I. Cusick to be Director, Office of Government Ethics; and David L. Norquist to be Chief Financial Officer, U.S. Department of Homeland Security.

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

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, May 22, 2006, at 2 p.m. to consider the nomination of Lurita Alexis Doan to be Administrator of the U.S. General Services Administration.

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

## NATIONAL INTERNET SAFETY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 486, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title. The legislative clerk read as follows:

A resolution (S. Res. 486) designating June 2006 as “National Internet Safety Month.”

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

Ms. MURKOWSKI. Mr. President, today I introduced a resolution designating June 2006 as National Internet Safety Month. I am pleased to have Mr. ALLEN, Mr. CRAIG, Mr. STEVENS, Mr. VITTER, Ms. LANDRIEU, Mrs. DOLE, Mr. CRAPO, Mr. BURNS, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. ROBERTS, Mr. SANTORUM, and Mr. DEWINE join me in introducing this resolution.

The Internet has become one of the most significant advances in the twentieth century and, as a result it affects people's lives in a positive manner each day. However, this technology presents dangers that need to be brought to the attention of all Americans. Never before has the problem of online predatory behavior been more of a concern. Consider the pervasiveness of Internet access by children and the rapid increase in Internet crime and predatory behavior. Never before have powerful educational solutions—such as Inter-

net safety curricula for grades kindergarten through 12—been more critical and readily at hand.

i-SAFE America is one of the non-profit organizations that has worked tirelessly to educate our youth and our community on these important issues. Formed in 1998, i-SAFE America educates youth in all 50 states Washington, DC, and Department of Defense schools worldwide to ensure that they have a safe experience online.

It is imperative that all Americans learn about the Internet safety strategies which will help keep their children safe from victimization. Consider the facts: In the United States, about 90 percent of children between the ages of 5 and 17 use computers, and about 59 percent use the Internet. Approximately 26 percent of children in that age group are online more than 5 hours a week, and 12 percent spend more time online than they do with their friends.

An alarming statistic is that 39 percent of youths in grades 5 through 12 in the United States admit giving out their personal information, such as their name, age, and gender over the Internet. Furthermore, 11.5 percent of students in this age group have actually met face to face with a stranger they met on the Internet.

Most disturbing are the patterns of Internet crimes against children. In 1996, the Federal Bureau of Investigation was involved in 113 cases involving Internet crimes against children. In 2001, the FBI opened 1,541 cases against people suspected of using the Internet to commit crimes involving child pornography or abuse.

Now is the time for America to focus its attention on supporting Internet safety, especially bearing in mind that children will soon be on summer vacation and will spend more time online.

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. 486) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 486

Whereas, in the United States, more than 90 percent of children between the ages of 5 years old and 17 years old, or approximately 47,000,000 children, now use computers;

Whereas approximately 59 percent of children in that age group, or approximately 31,000,000 children, use the Internet;

Whereas approximately 26 percent of the children of the United States in grades 5 through 12 are online for more than 5 hours a week;

Whereas approximately 12 percent of those children spend more time online than they spend interacting with their friends;

Whereas approximately 53 percent of the children and teens of the United States like to be alone when “surfing” the Internet;

Whereas approximately 29 percent of those children believe that their parents would express concern, restrict their Internet use, or

take away their computer if their parents knew which sites they visited while surfing on the Internet;

Whereas approximately 32 percent of the students of the United States in grades 5 through 12 feel that they have the skills to bypass protections offered by the installation of filtering software;

Whereas approximately 31 percent of the youths of the United States have visited an inappropriate website on the Internet;

Whereas approximately 18 percent of those children have visited an inappropriate website more than once;

Whereas approximately 51 percent of the students of the United States in grades 5 through 12 trust the individuals that they chat with on the Internet;

Whereas approximately 33 percent of the students of the United States in grades 5 through 12 have chatted on the Internet with an individual whom they have not met in person;

Whereas approximately 11.5 percent of those students have later met with a stranger with whom they chatted on the Internet;

Whereas approximately 39 percent of the youths of the United States in grades 5 through 12 have admitted to giving out their personal information, including their name, age, and gender, over the Internet; and

Whereas approximately 14 percent of those youths have received mean or threatening email while on the Internet: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 2006 as “National Internet Safety Month”;

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

#### WOMEN'S HEALTH WEEK

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 487, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 487) expressing the sense of the Senate with regard to the importance of Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health.

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

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

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

The resolution (S. Res. 487) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 487

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas since healthy habits should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2006, the week of May 14 through May 20, is dedicated as the National Women's Health Week: Now, therefore, be it *Resolved*, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day on Monday, May 15, 2006, by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women and highlight racial disparities in the rates of these diseases.

#### ILLICIT COPYRIGHT INFRINGEMENT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 488, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 488) expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks.

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

Mr. ALEXANDER. Mr. President, today I reintroduce a resolution that expresses the sense of Congress that colleges and universities should continue to educate their students about the importance of intellectual property and the harm caused by copyright infringement. I am joined in offering this resolution by Senators LEAHY, HATCH, and NELSON of Florida, as well as my colleague from Tennessee, Senator FRIST.

This measure is very similar to S. Res. 438, a Senate resolution which

three of my colleagues and I introduced last month. I call my colleagues' attention to my remarks on S. Res. 438 and those of Senator LEAHY, which both appeared in the CONGRESSIONAL RECORD on April 7, 2006.

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

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

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 488

Whereas the colleges and universities of the United States play a critically important role in educating young people;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of a civil and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed as a result of the colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in *MGM Studios Inc. v. Grokster, Ltd.*, reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, “the probable scope of copyright infringement is staggering” (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in *MGM Studios Inc. v. Grokster, Ltd.*, wrote that “deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft” (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United States, including local area networks under the control of such colleges and universities, may be illicitly utilized by students and employees to further unlawful copying;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and computer systems located at colleges and universities, and has convicted