

consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) **LIFT OF STAY.**—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 9. PENALTIES FOR FALSE STATEMENTS.

Whoever files an application for any benefit under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

SEC. 10. CONFIDENTIALITY OF INFORMATION.

(a) **PROHIBITION.**—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by an individual pursuant to an application filed under this Act to initiate removal proceedings against any person identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of an application filed under this Act with a designated entity, that designated entity, to examine such application filed under this Act.

(b) **REQUIRED DISCLOSURE.**—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this Act, and any other information derived from such furnished information, to—

(1) a Federal, State, tribal, or local law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution, a background check conducted pursuant to the Brady Handgun Violence Protection Act (Public Law 103-159; 107 Stat. 1536) or an amendment made by that Act, or for homeland security or national security purposes, if such information is requested by such entity or consistent with an information sharing agreement or mechanism; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) **FRAUD IN APPLICATION PROCESS OR CRIMINAL CONDUCT.**—Notwithstanding any other provision of this section, information concerning whether an alien seeking relief under this Act has engaged in fraud in an application for such relief or at any time committed a crime may be used or released for immigration enforcement, law enforcement, or national security purposes.

(d) **PENALTY.**—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who is granted conditional nonimmigrant status or lawful permanent resident status under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 12. TREATMENT OF ALIENS WITH ADJUSTED STATUS FOR CERTAIN PURPOSES.

(a) **IN GENERAL.**—An individual granted conditional nonimmigrant status under this Act shall, while such individual remains in such status, be considered lawfully present for all purposes except—

(1) section 36B of the Internal Revenue Code of 1986 (concerning premium tax credits), as added by section 1401 of the Patient Protection and Affordable Care Act (Public Law 111-148); and

(2) section 1402 of the Patient Protection and Affordable Care Act (concerning reduced cost sharing; 42 U.S.C. 18071).

(b) **FOR PURPOSES OF THE 5-YEAR ELIGIBILITY WAITING PERIOD UNDER PRWORA.**—An individual who has met the requirements under this Act for adjustment from conditional nonimmigrant status to lawful permanent resident status shall be considered, as of the date of such adjustment, to have completed the 5-year period specified in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613).

SEC. 13. MILITARY ENLISTMENT.

Section 504(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) An alien who is a conditional nonimmigrant (as that term is defined in section 3 of the DREAM Act of 2010).”.

SEC. 14. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and grant of conditional nonimmigrant status under section 4(a);

(2) the number of aliens who applied for cancellation of removal and grant of conditional nonimmigrant status under section 4(a);

(3) the number of aliens who were granted conditional nonimmigrant status under section 4(a); and

(4) the number of aliens whose status was adjusted to that of an alien lawfully admitted for permanent residence under section 6.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 690—COMMEMORATING THE 175TH ANNIVERSARY OF THE BIRTH OF MARK TWAIN

Mrs. MCCASKILL (for herself and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 690

Whereas Mark Twain was born with the name Samuel Langhorne Clemens on November 30, 1835, in Florida, Missouri, the 6th child of John Marshall and Jane Lampton Clemens;

Whereas in 1839, the Clemens family moved to Hannibal, Missouri, the inspiration for the

fictional town of St. Petersburg depicted in the novels “The Adventures of Tom Sawyer” and “Adventures of Huckleberry Finn”, where the Clemens family lived until 1853, including several years of residence at 206 Hill Street, known as the boyhood home of Mark Twain;

Whereas in 1848, Samuel Clemens left school to become a printer’s apprentice at the Missouri Courier newspaper, his first in a series of occupations that include, most notably, author, but also, printer, typesetter, steamboat pilot, journalist, lecturer, publisher, editor, prospector, and political activist;

Whereas while working at the Virginia City newspaper, the Territorial Enterprise, Clemens first used the pen name “Mark Twain” in 1863;

Whereas with the publication of the short story “Jim Smiley and His Jumping Frog” in The Saturday Press in 1865, Mark Twain experienced his first significant success as an author;

Whereas in 1869, Twain’s first book, “The Innocents Abroad”, was published, detailing Twain’s adventures through Europe and the Middle East;

Whereas Samuel Clemens, known for the love and affection he demonstrated for his wife and family and to whom the quote, “What is a home without a child?”, is attributed, in 1870 married Olivia Langdon, with whom he had 4 children, Langdon, Olivia Susan, Clara Langdon, and Jane Lampton;

Whereas the book “Roughing It”, part autobiography and part tall tale, chronicling Twain’s adventures in the early American West and critiquing society’s treatment of Chinese Americans, was published in 1872;

Whereas “The Gilded Age: A Tale of Today”, a novel Twain wrote in collaboration with Charles Dudley Warner satirizing political corruption and greed in American life, was published in 1873;

Whereas Twain’s novel, “The Adventures of Tom Sawyer”, through which he sought “to pleasantly remind adults of what they once were themselves, and of how they felt and thought and talked, and what queer enterprises they sometimes engaged in”, was published in 1876;

Whereas in 1881, Twain addressed class issues and attacked injustice and hypocrisy in English society with the publication of his novel, “The Prince and the Pauper”;

Whereas in 1883, “Life on the Mississippi”, Twain’s book exploring the history and lore of the Mississippi River and detailing his time spent as a Mississippi River steamboat pilot, was published;

Whereas Mark Twain’s most famous work, “Adventures of Huckleberry Finn”, which attacked the institution of slavery, the failures of Reconstruction, and the continued mistreatment of African Americans in American society, and which is considered a masterpiece of American fiction and is widely known as one of the Great American Novels, was published in 1884;

Whereas Twain’s powerful social critique, “A Connecticut Yankee in King Arthur’s Court”, was published in 1889;

Whereas “The Tragedy of Pudd’nhead Wilson”, Twain’s strongest critique of racism and the institution of slavery, was published in 1894;

Whereas on April 21, 1910, Samuel Clemens died at the age of 74; and

Whereas the 175th anniversary of the birth of Mark Twain is an historic occasion: Now, therefore, be it

Resolved, That the Senate commemorates the 175th anniversary of the birth of Mark Twain on November 30, 2010, and his enduring legacy as one of our Nation’s greatest authors and humorists.

SENATE RESOLUTION 691—TO PERMIT THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 691

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the 2nd session of the 111th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4721. Mrs. HAGAN (for Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 3386, to protect consumers from certain aggressive sales tactics on the Internet.

TEXT OF AMENDMENTS

SA 4721. Mrs. HAGAN (for Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 3386, to protect consumers from certain aggressive sales tactics on the Internet; as follows:

On page 15, line 17, strike “purchaser’s” and insert “consumer’s”.

On page 15, line 19, strike “purchaser” and insert “consumer”.

On page 17, beginning with line 4, strike through line 15 on page 18.

On page 18, line 16, strike “(d)” and insert “(c)”.

On page 18, line 21, strike “(e)” and insert “(d)”.

On page 19, strike lines 3 through 7.

On page 19, line 8, strike “(3)” and insert “(2)”.

On page 19, strike lines 17 and 18 and insert the following:

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in clause (i) or (ii).

On page 19, between line 18 and 19, insert the following:

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer

for any goods or services sold in a transaction effected on the Internet through a negative option feature (as defined in the Federal Trade Commission’s Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations), unless the person—

(1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer’s billing information;

(2) obtains a consumer’s express informed consent before charging the consumer’s credit card, debit card, bank account, or other financial account for products or services through such transaction; and

(3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer’s credit card, debit card, bank account, or other financial account.

On page 19, line 19, strike “SEC. 4.” and insert “SEC. 5.”.

On page 20, strike lines 5 through 8.

On page 20, line 9, strike “(c)” and insert “(b)”.

On page 20, line 16, strike “(d)” and insert “(c)”.

On page 20, line 19, strike “SEC. 5.” and insert “SEC. 6.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 30, 2010, at 3:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 30, 2010.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 30, 2010.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on November 30, 2010, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Examining Enforcement of the Foreign Corrupt Practices Act.”

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

RESTORE ONLINE SHOPPERS’ CONFIDENCE ACT

Mrs. HAGAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 500, S. 3386.

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

The assistant legislative clerk read as follows:

A bill (S. 3386) to protect consumers from certain aggressive sales tactics on the Internet.

There being no objection, the Senate proceeded to consider the bill (S. 3386) to protect consumers from certain aggressive sales tactics on the Internet, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restore Online Shoppers’ Confidence Act”.

SEC. 2. FINDINGS; DECLARATION OF POLICY.

The Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year. Over half of all American adults have now either made an online purchase or an online travel reservation.

(2) Consumer confidence is essential to the growth of online commerce. To continue its development as a marketplace, the Internet must provide consumers with clear, accurate information and give sellers an opportunity to fairly compete with one another for consumers’ business.

(3) An investigation by the Senate Committee on Commerce, Science, and Transportation found abundant evidence that the aggressive sales tactics many companies use against their online customers have undermined consumer confidence in the Internet and thereby harmed the American economy.

(4) The Committee showed that, in exchange for “bounties” and other payments, hundreds of reputable online retailers and websites shared their customers’ billing information, including credit card and debit card numbers, with third party sellers through a process known as “data pass”. These third party sellers in turn used aggressive, misleading sales tactics to charge millions of American consumers for membership clubs the consumers did not want.

(5) Third party sellers offered membership clubs to consumers as they were in the process of completing their initial transactions on hundreds of websites. These third party “post-transaction” offers were designed to make consumers think the offers were part of the initial purchase, rather than a new transaction with a new seller.

(6) Third party sellers charged millions of consumers for membership clubs without ever obtaining consumers’ billing information, including their credit or debit card information, directly from the consumers. Because third party sellers acquired consumers’ billing information from the initial merchant through “data pass”, millions of consumers were unaware they had been enrolled in membership clubs.

(7) The use of a “data pass” process defied consumers’ expectations that they could only be charged for a good or a service if they submitted their billing information, including their complete credit or debit card numbers.

(8) Third party sellers used a free trial period to enroll members, after which they periodically charged consumers until consumers affirmatively canceled the memberships. This use of “free-to-pay conversion” and “negative option”