

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

“(2) LIMITATIONS.—Nothing in this subsection shall be construed to exempt any such entity from liability—

“(A) for the underlying conduct reported; or

“(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

“(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

“(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

“(A) related to possibly fraudulent or deceptive commercial practices;

“(B) related to persons involved in such practices; or

“(C) otherwise subject to recovery by the Commission; or

“(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

“(c) CONSUMER COMPLAINTS.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

“(d) APPLICATION.—This section applies to the following entities, whether foreign or domestic:

“(1) A financial institution as defined in section 5312 of title 31, United States Code.

“(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

“(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a 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.

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. 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. SUNSET.

This Act, and the amendments made by this Act, shall cease to have effect on the date that is 7 years after the date of enactment of this Act.

SEC. 14. 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 nonpublic 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.

Mr. FRIST. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

UNANIMOUS CONSENT AGREEMENT—TRIBUTES TO RETIRING SENATORS

Mr. FRIST. I ask unanimous consent that the tributes to retiring Senators be printed as a Senate document and that Senators be permitted to submit tributes until December 27, 2006.

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

AUTHORITY TO FILE

Mr. FRIST. I ask unanimous consent that on December 22, 2006, between the hours of 10 a.m. and 11 a.m., committees have the authority to file special reports on nonlegislative matters only. This does not include executive matters such as treaties or nominations, nor does it allow committees to report bills or resolutions after the sine die adjournment.

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

APPOINTMENT AUTHORITY

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.

SIGNING AUTHORITY

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

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic

leaders of the Senate and House of Representatives, pursuant to Public Law 109-236, appoints Dr. James L. Weeks, of Maryland, to serve as a member of the MINER Act Technical Study Panel.

ORDERS FOR THURSDAY,
JANUARY 4, 2007

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned sine die pursuant to the provisions of H. Con. Res. 503, until 12 noon on Thursday, January 4.

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

LAST FAREWELL

Mr. FRIST. Mr. President, today we were able to finish up our work in a very successful way before we leave for the year. We passed a continuing funding resolution, the critical tax extenders package, and a number of important legislative items, as well as a list of executive nominations. We have had a long week—a productive week—and I do want to thank all my colleagues for their patience and their dedicated efforts.

As we close, I also want to thank all of the staff at the desk and those in the offices above this Chamber and below this Chamber who will be here long after we adjourn, preparing and finalizing all of the business we have just completed.

I would be remiss if I did not recognize the pages who are with us tonight, and those who are not with us tonight, but those who have all left their home States to come to Washington for the semester to work in this Chamber.

We thank each and every one of you for your tremendous, tremendous work. It is 4:34 a.m. now, and we have finished a long day, and people always laugh when I say being Senate majority leader is like doing heart transplants. But times like this make it all very clear that they are very similar because at about 4:34 a.m. in the morning, we would be putting those last few stitches in the transplanted heart. And as you do that, you begin to feel that anticipation of that heart, all of a sudden starting to beat again and coming alive, which gives new life and rebirth to an individual who would otherwise die.

I say that because that is what I would be doing if I were not here, and I was doing 12, 13 years ago. I may well be doing it next year. But that sort of change is good. And change can be, as I said yesterday, constructive. It can be rebirth. And it can give real hope.

I gave my formal remarks on leaving the Senate yesterday, but the words I speak over the next 2 minutes are the very last I will ever give in this Chamber. In 2 minutes, maybe less, that door closes, and the chapter ends.

After I gave my farewell address yesterday, I had dinner last night with Karyn and with my three boys, Jona-

than, Bryan, and Harrison, who had all come back to hear my farewell address yesterday. They had to fly in from New York, take a train from New Jersey, and come up from Tennessee. And because we are empty nesters, they are all out of the house now. It is getting increasingly rare that we are all together.

But one of the things we did last night is we sat around a table—it happened to be at a restaurant—and thought a little bit about past experiences. And you can imagine how their lives have changed over 12 years. We knew this night would come, this final minute or so would come, for a long time. I have known for 12 years, and that is the normal life cycle that one can expect if you are a citizen legislator, which I have said again and again that is what I tried to be in self-limiting my period here in the Senate.

But over that period, we have seen these three young boys—all very young—grow into three robust young men. I have seen a wife grow more beautiful by the day. I have seen a relationship of family, and a relationship between a husband and a wife, grow stronger over these 12 years through this opportunity the people of Tennessee have given me and Karyn and my three boys to serve them.

I have seen faith strengthened and challenged by the responsibility the people of Tennessee give us as elected officials when they select us to represent their hopes and their dreams.

I have also seen in this body, in watching my colleagues and being with my colleagues, a group of men and a group of women who are very good people, with good intentions, who are unselfish, who are people of faith, people of vision, people with real dreams, not perfect, as we all know—and we all have our foibles, and we all have our weaknesses—but people who are good.

My dad always used to say: “Good people beget good people.” “Good people beget good people.” And I think that as we go through periods of change here, we can have that tradition of good people in this body begetting good people to continue.

I will close, again quoting from Dad’s letter I mentioned yesterday that he wrote to future generations prior to his death.

I mentioned yesterday that that is a great thing for all of us to do later in life. What advice would you give people you will never see a generation or two generations later? I will close with his words from that same letter. This was after a list of things he wrote, giving his counsel and advice—very simple things, by the way, commonsense things. He said:

Finally, I believe it is so terribly important in life to stay humble. Use your talents wisely and use other people’s talents to help other people.

“Help other people.”

ADJOURNMENT SINE DIE

Mr. FRIST. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that the Senate stand adjourned sine die under the provisions of H. Con. Res. 503.

There being no objection, the Senate, at 4:39 a.m., adjourned sine die until Thursday, January 4, 2007.

NOMINATIONS RETURNED TO THE
PRESIDENT

Friday, December 8, 2006

The following nominations transmitted by the President of the United States to the Senate during the second session of the 109th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

AMTRAK

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE BANK OF AMBASSADOR.

BROADCASTING BOARD OF GOVERNORS

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006.

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (REAPPOINTMENT).

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

CENTRAL INTELLIGENCE

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

CORPORATION FOR NATIONAL AND COMMUNITY
SERVICE

MICHAEL DOLAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009.

STEPHEN GOLDSMITH, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2010, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009.

CORPORATION FOR PUBLIC BROADCASTING

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012.

DEFENSE BASE CLOSURE AND REALIGNMENT
COMMISSION

ANTHONY JOSEPH PRINCIPI, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

DEPARTMENT OF DEFENSE

PETER CYRIL WYCHE FLODY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

PETER CYRIL WYCHE FLODY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

ERIC S. EDELMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.