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No. 107

House of Representatives

The House was not in session today. Its next meeting will be held on Friday, September 2, 2005, at 1 p.m.

Senate

THURSDAY, SEPTEMBER 1, 2005

The Senate met at 10:02 p.m., pursuant to section 2 of H. Con. Res. 225 of the 109th Congress, and was called to order by the Honorable THAD COCHRAN, a Senator from the State of Mississippi.

The PRESIDING OFFICER. Pursuant to the authority granted by section 2 of H. Con. Res. 225 of the 109th Congress, the Speaker of the House and the majority leader of the Senate, acting jointly and in consultation with the minority leaders of the House and Senate respectively, have determined that the public interest warrants a convening of the Senate at this time, notwithstanding the order of July 29, 2005.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, Creator of land, sea, and sky, we come humbly into Your presence awed by nature's power and saddened by the tragic losses caused by Hurricane Katrina. We enter Your throne room more aware of the fragility of life and more cognizant of the many unanswered questions that reverberate in our hearts. We need You now more than ever.

Lord, let Your presence be felt in our land. As multitudes seek to rebuild their lives, give them wisdom and courage. Bring healing to the sick and provisions to the destitute. Comfort those who mourn, and guide our leaders as they seek to grapple with the challenges of today and tomorrow.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable THAD COCHRAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 1, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THAD COCHRAN, a Senator from the State of Mississippi, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. COCHRAN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

LETTER OF NOTIFICATION

Mr. FRIST. Mr. President, I ask unanimous consent that a letter of no-

tification relating to section 2 of H. Con. Res. 225 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 1, 2005.

DEAR COLLEAGUE: Pursuant to section 2 of House Concurrent Resolution 225, after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, we hereby notify the Members of the Senate to reassemble at 10:00 p.m. on Thursday, September 1, 2005, and the Members of the House of Representatives to reassemble at 1:00 p.m. on Friday, September 2, 2005.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.
WILLIAM H. FRIST, M.D.,
Majority Leader of the Senate.

HURRICANE KATRINA

Mr. FRIST. Mr. President, on behalf of my colleagues and fellow Americans, I come to the Senate floor to extend my heartfelt sympathies to the victims of Hurricane Katrina and to reassure the thousands of families suffering from this tragedy that we are committed to providing all of the relief and support necessary to get through this terrible and ongoing crisis. It is unprecedented, and it is unfolding before our eyes. Thus, this is a highly unusual emergency session we are conducting tonight.

As the President has said, our first priority is saving lives. At this very moment, relief organizations and faith-based volunteers are working valiantly to provide food, shelter, water, and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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medical care. FEMA, the Federal Emergency Management Agency, has delivered essential sustenance and supplies. It has supplied and continues to supply generators and thousands of cots and blankets and has deployed over 1,800 personnel to save lives and render medical assistance.

Our action, coupled with the House action tomorrow, will ensure that all necessary funds are immediately available to respond to this ongoing crisis.

The Army, Navy, National Guard, Coast Guard, Marine Corps, and Air National Guard are hard at work conducting rescue operations and providing aid. Twenty thousand guardsmen are on the ground right now. Thousands more are on the way.

Volunteers from my home State of Tennessee have been on the front lines all week. I think of Tennessee Baptist Disaster Relief, a ministry of 3,000 Southern Baptist Tennessee churches. They are working around the clock on rescue missions, at relief stations, cooking thousands of meals and providing emergency care. And they are offering something else, something desperately needed in this time of tragedy: the hope and the love and the compassion of a Nation—of all of us pulling together as one.

As Norma Jones, a 63-year-old volunteer from Indian Mound, told a newspaper, "Most of the time, the rescue survivors just want to be hugged."

Hundreds of storm victims have found refuge in Nashville and middle Tennessee. Many are staying with relatives until it is safe to return, which, as we all know, may not be for months.

The ongoing crisis has become a crisis of refugees, a crisis of refugees the likes of which this country has never seen. In Memphis, TN, actually a long way from the gulf, there are 10,000 refugees as we speak, and over the course of tonight they are expecting 4,000 more refugees in that town alone.

On the television, we see families wading waste-high for dozens of blocks in search of food or dry land or clean water. We see those families marooned on those rooftops, as floodwaters swirl past, writing, inscribing with whatever they have available: "Need insulin." "Diabetic." "Please help"—reaching out for hope, reaching out to be saved.

Our very own colleague and friend, Senator TRENT LOTT of Mississippi, lost his family home in this disaster. He returned recently—about 2 days ago—to his family home and found nothing. Our deepest sympathies go out to him and his family as they face this difficult time and to so many others in this body and, indeed, all around this country who face these personal challenges.

Towns, cities, communities, and shorelines have been decimated and reduced to rubble, to debris. We have a public health crisis that is just beginning, an ongoing crisis, but one that will increase almost with certainty over the coming days and weeks.

New Orleans, one of America's most vibrant cities, will take years to re-

cover. Hundreds of helpless people remain trapped on highway overpasses and in the city center with nowhere to go, no food, no water, no sanitation, and security has been tough, as we have all seen over the course of the day.

Most of Mississippi is without power, without electricity. Towns, villages have been totally destroyed.

The darkness of the night will be not just dramatic but, as we heard over the last several hours, haunting underneath those bridges, in rural areas with no lights for blocks, for miles, just human suffering.

Our rescue teams are working hard, and we see that. We are so proud of them, and they deserve our praise—our enormous praise—for their courage, for their boldness, for their dedication. People are still stranded. They are reaching their breaking point, and they need our help now. That is why at 10 o'clock tonight we are acting. That is why we are convening tonight in this urgent session for an emergency supplemental, operating by unanimous consent. FEMA needs additional funds now to continue their relief efforts and to continue the recovery.

Over the course of the last several days, we have had numerous calls with President Bush, and the Democratic leader and I just several hours ago received a call from President Bush requesting these funds. We applaud President Bush. He moved early to get emergency supplies prepared and ready to go. We have been in constant contact. He and his administration have been working tirelessly to meet this daunting challenge.

We all recognize we have much to do. There are a lot of frustrations that have bubbled up over the course of the last several days to do more or things are not going well, and we feel those frustrations. We feel that pain. We feel that suffering. Again, that is why we are here tonight—to support, to deliver, to answer those challenges.

I also thank our State and local leaders for their tremendous dedication and commitment. We, this body, our Federal Government, stand behind them 100 percent. Helping the victims of this hurricane disaster is our highest priority.

Hurricane Katrina and her aftermath is, as we now know, one of the worst catastrophes this country has ever seen. But this is America, and in America we face our toughest challenges together as one, united and lifted up by our compassion and our strength.

Even in our darkest hour, our humanity shines through, millions of citizens, millions of Americans committed to one another, to the care and well-being of all.

Inscribed in this very Chamber just above the Presiding Officer is "E Pluribus Unum," out of many, one.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HURRICANE KATRINA RELIEF

Mr. REID. Mr. President, I begin by offering my thoughts and my prayers to the victims of Hurricane Katrina. They have experienced untold horrors in the past few days, and the road to recovery will be long and hard. As we approach the start of our regular fall work period, there can be no more important challenge facing this body in the days ahead than providing relief to the victims of this catastrophe. It will be weeks before we know the full toll this storm has exacted. The only thing we know for sure is that we have experienced a national crisis, and the people of the Gulf Coast need and deserve our help.

In these crucial hours, thousands of Americans are engaged in search and rescue efforts. I hope these brave men and women performing these heroic duties know that they, too, are in our thoughts and our prayers.

Tonight, in the Senate, we are taking a critical first step toward bringing relief to the victims of this disaster. I support President Bush for submitting this \$10.5 billion request, and I thank my colleagues for permitting us to take up and pass this important legislation tonight.

Our unified response sends a powerful signal to victims of this tragedy, looking for signs that their Government sees their plight and stands with them during this dark time.

In these days ahead, it is important we continue to send a strong unified message. We must work together—not together as Democrats and Republicans but as Americans—united in helping families torn apart by this devastating storm.

It is my hope that our actions following the 9/11 attacks will be a model for what we do tonight and in the future. Our action after 9/11 was bipartisan. It was our top priority, and it moved significant resources to the victims of the terrorist attacks, and in a timely manner.

Our response to the tragedy of September 2005 must be every bit as bipartisan and direct as the tragedy of September 2001. We did not handle 9/11 with a Democratic or Republican aid package, and we should not handle this crisis any differently. This is not the time for partisanship. The victims of this terrible tragedy come first.

With that principle guiding us, it is important we begin to consider our next steps. The \$10.5 billion we are sending now represents a good first effort, but we all know much more needs to be done. I am deeply concerned about the security situation on the ground as I speak. Unless we establish security in this area, we cannot mount

an effective rescue operation, let alone begin rebuilding.

We have all seen the images of families stranded in the Superdome or sitting outside the Convention Center in filth and squalor. They do not have food. They do not have water. They do not have medicine. They are living in unsanitary conditions, and because we cannot keep the area safe, they have been unable to get out. They are trapped. This is not acceptable.

This is America. These are Americans we see suffering. We must find ways to get them the resources they need and bring them to safety. We must restore security, accelerate our rescue operations, and expedite our relief efforts as soon as possible. We must get these people the help they need and they deserve.

When we reconvene on Tuesday, just a few hours from today, the security and safety of the Gulf Coast residents must be our first order of business. These families are counting on us. They are suffering, and they have nowhere else to turn. We owe it to them to make their survival our top priority, and we should give them nothing less.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me first of all thank the majority leader, who is now presiding over the Senate, for responding so quickly to the request of the President for a supplemental appropriations bill providing needed funds to the Federal Emergency Management Administration and to the Department of Defense to carry on the disaster relief efforts that they have begun in the States that were so seriously affected by Hurricane Katrina.

The President has submitted a letter describing the reasons for the request for this appropriations bill. Rather than reading the entire letter, which has been made available to everyone—the letter is actually addressed to the Speaker of the House—I will just read the first two paragraphs:

As I informed the Nation yesterday, we are dealing with one of the worst natural disasters in our country's history. Residents of the Gulf Coast states affected by the hurricane have lost loved ones, have lost homes, and have been displaced from their communities. My Administration is committed to ensuring that they will have the full support of the Federal Government.

Due to the catastrophic nature of Hurricane Katrina, I am asking the Congress to consider expeditiously the enclosed request totaling \$10.5 billion, for an emergency FY 2005 supplemental appropriation for the Departments of Homeland Security and Defense. These funds will ensure that Federal response and recovery efforts continue uninterrupted.

Mr. President, I ask unanimous consent that the letter from the President be printed in full in the RECORD.

Mr. REID. No objection.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 1, 2005.

The Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As I informed the Nation yesterday, we are dealing with one of the worst natural disasters in our country's history. Residents of the Gulf Coast states affected by the hurricane have lost loved ones, have lost homes, and have been displaced from their communities. My Administration is committed to ensuring that they will have the full support of the Federal Government.

Due to the catastrophic nature of Hurricane Katrina, I am asking the Congress to consider expeditiously the enclosed request, totaling \$10.5 billion, for an emergency FY 2005 supplemental appropriation for the Departments of Homeland Security and Defense. These funds will ensure that Federal response and recovery efforts continue uninterrupted.

I hereby designate this proposal in the amount requested herein as an emergency requirement. This request responds to urgent needs associated with immediate response and recovery efforts associated with Hurricane Katrina in Mississippi, Louisiana, Alabama and other affected areas.

The enclosed request requires immediate action by the Congress to ensure that the Federal response to this disaster continues uninterrupted. I anticipate making a further request in the coming weeks that will provide for a comprehensive response and recovery effort after fully assessing the impact of the hurricane.

The details of this request are set forth in the enclosed letter from the Director of the Office of Management and Budget.

Sincerely,

GEORGE W. BUSH,
The White House.

Mr. COCHRAN. Mr. President, the letter also contains a copy of a letter to the President from the Director of the Office of Management and Budget, Joshua B. Bolton. In this letter, he delineates specifically where the funds are needed, when they will be exhausted under current authority, and why this emergency appropriation is needed so that we can continue the aggressive disaster relief efforts in the coming weeks. And then he suggests:

I anticipate recommending to you an additional request in the coming weeks to provide for a comprehensive response to this hurricane, once reliable estimates can be developed that recognize the extent of this disaster.

This request fulfills known and urgent requirements that cannot reasonably be met under the current [fiscal year] 2005 funding levels. I recommend that you designate the proposal contained in this transmittal as an emergency requirement.

I ask unanimous consent that the complete text of the letter from the Director of the Office of Management and Budget to the President be printed in the RECORD.

Mr. REID. No objection.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 1, 2005.

The President,
The White House.

Submitted for your consideration is a request for fiscal year 2005 supplemental appropriations totaling \$10.5 billion to fund immediate emergency response and recovery needs associated with Hurricane Katrina.

Immediate Federal response and recovery efforts to date have been extensive. The Federal Emergency Management Agency (FEMA) has deployed more than 50 Disaster Medical Assistance Teams, more than 25 Urban Search and Rescue task forces, eight swift water rescue teams, and two Incident Support Teams to the region. FEMA is also delivering water, meals, medical supplies, generators, tents, and tarps and is working to help relocate those displaced by the hurricane.

The Department of Defense (DOD) is moving significant military resources into the Gulf States to aid in rescue and recovery. Eight Navy ships have moved into the area with water, food, medicine, hospital facilities, berthing, and more. DOD has responded to all FEMA requests and is providing logistical help, including strategic lift support for search and rescue efforts. Other agencies are also participating in response and recovery efforts. For example, Health and Human Services (HHS) Secretary Mike Leavitt has declared a public health emergency and HHS has delivered requested medical supplies to Louisiana, including basic first aid materials, blankets and patient clothing and comprehensive lifesaving medical equipment. HHS has placed 415 Public Health Service Officers on standby for deployment to support medical response in the affected states and CDC officials are working with local officials to identify hospital facilities, distribute medical supplies, and execute a public health plan to control disease and other risks to public health.

The funds that I recommend you request today will ensure that these immediate response and recovery efforts continue uninterrupted. The \$10 billion requested for the Department of Homeland Security will enable FEMA to continue ongoing response efforts, including assistance to families and individuals so that they can be sheltered, fed and provided with emergency medical care. These funds will also support emergency protective measures and debris removal in the affected areas, and urgent response activities performed by other Federal agencies, as delegated by FEMA under the Stafford Act.

The \$500 million requested for DOD will enable DOD to cover the costs associated with deployment of military personnel to assist communities, save lives, and provide relief supplies for the next several weeks. DOD's immediate crisis response costs include immediate facilities repairs of DOD property, evacuation of DOD personnel debris clean-up, transportation costs, and emergency utility costs.

I anticipate recommending to you an additional request in the coming weeks to provide for a comprehensive response to this hurricane, once reliable estimates can be developed that recognize the extent of this disaster.

This request fulfills known and urgent requirements that cannot reasonably be met under the current FY 2005 funding levels. I recommend that you designate the proposal contained in this transmittal as an emergency requirement.

I have carefully reviewed this proposal and am satisfied that it is necessary at this time. Therefore, I join the Secretary of Homeland Security and the Secretary of Defense in recommending you transmit the proposal to the Congress.

Sincerely,

JOSHUA B. BOLTON,
Director.

Mr. COCHRAN. Mr. President, in response to this request, the House of Representatives, I am advised, will be prepared to adopt a bill making emergency supplemental appropriations to

meet immediate needs arising from the consequences of Hurricane Katrina for the fiscal year ending September 30, 2005. And the text of the bill is that it:

Be enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that the following sums are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2005, namely the Department of Homeland Security:

For an additional amount for "Disaster Relief", \$10,000,000,000, to remain available until expended . . .

And then a provision, provided \$500 million to the Department of Defense:

. . . for emergency hurricane expenses, to support costs of evacuation, emergency repairs, deployment of personnel, and other costs resulting from immediate relief efforts, to remain available until September 30, 2006.

I ask unanimous consent that a copy of that bill, which we are advised will be adopted by the House of Representatives, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, namely:

DEPARTMENT OF HOMELAND SECURITY
EMERGENCY PREPAREDNESS AND
RESPONSE
DISASTER RELIEF

For an additional amount for "Disaster Relief", \$10,000,000,000, to remain available until expended: *Provided*, That the amount provided herein is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

DEPARTMENT OF DEFENSE
OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$500,000,000 for emergency hurricane expenses, to support costs of evacuation, emergency repairs, deployment of personnel, and other costs resulting from immediate relief efforts, to remain available until September 30, 2006: *Provided*, That the Secretary of Defense may transfer these funds to appropriations for military personnel, operation and maintenance, procurement, family housing, Defense Health Program, and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not more than 5 days after making transfers from this appropriation, notify the congressional defense committees in writing of any such transfer: *Provided further*, That the amount provided herein is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

This Act may be cited as the "Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005".

Mr. COCHRAN. Mr. President, I commend the majority leader, with the concurrence and support of the minority leader, for calling the Senate into session tonight under these emergency conditions, to approve as if passed by the House, and when passed by the House and it is received here in the Senate, an emergency supplemental appropriations bill to fund disaster relief efforts.

These efforts are ongoing. We have all had an opportunity to see on television sets and to hear and read newspaper accounts of the work that has been going on the last several days. I had the opportunity to travel to my State of Mississippi yesterday and spent the day touring the ravaged areas along the Mississippi Gulf Coast and then traveled to Jackson, the Capitol of the State, where I was able to meet with Governor Haley Barbour and his disaster assistance team that he had assembled and was supervising in their efforts to make all of the resources of our State government available to disaster victims and to help them in the effort to recover from this terrible hurricane.

I have never seen any storm inflict such great damage as I saw yesterday. I was on the Gulf Coast immediately following Hurricane Camille in 1969. I was a practicing lawyer at the time. We were trying to help one of our clients ensure that the employees of their company, Standard Oil Company refinery, were able to present their claims to their insurance companies and otherwise be compensated, as they were entitled to under their policies, for the damages sustained throughout the area where those employees were living along the Gulf Coast. That was the worst storm that anybody in my age group had ever heard of, before or since—until Hurricane Katrina.

I can tell you, looking along the coastline, flying in a Mississippi National Guard helicopter, the whole coastline, the whole coastal area of the State has been virtually destroyed. There are a few buildings that are left standing—a few. Those may not be habitable, and the businesses that they house may not be able to continue to function until extensive repairs are made on those buildings, so it is virtually all a total loss for blocks and blocks beyond the beach area.

Everything was quiet. There was nobody moving around; it wasn't until today that many people could have access to the areas where those houses once stood. It was quiet. It was eerie. It was a horrible sight to behold. I don't know of anything that has depressed me more than seeing what I saw yesterday in my State of Mississippi.

So I am confident the Senate will continue to follow the progress of the disaster assistance effort to be sure that we make available to all Federal

agencies and departments the funds they need to do the job to help in the recovery efforts in Mississippi and in Alabama and Louisiana and in the other States. There have been damages in Florida and Georgia and Texas as well.

The primary use of the funds that we give to the Department of Homeland Security, as requested by the President, will be used to reimburse Federal agencies for providing the relief effort that we have come to appreciate. The Coast Guard, Army Corps of Engineers, Health and Human Services Department, Housing and Urban Development—all are able to share in these funds that will be disbursed to reimburse those departments for participating in the disaster relief effort. So it is not only this one agency but others that will be sustained and assisted as they continue to work in this effort.

The President has appointed this task force as we all know now: Secretary of Homeland Security Michael Chertoff is chairing the task force on Hurricane Katrina; Mike Brown, the Director of FEMA, has been on the ground since the very beginning of this effort, coordinating the activities on the ground. Fifty-two counties in Mississippi have been identified as eligible for disaster declarations; thirty-two parishes in Louisiana; six counties in Alabama. The three Governors of those States have requested that the President waive cost-share requirements because of the expensive nature of these expenses for emergency response activities, and the President has granted this waiver.

I ask unanimous consent that a description of the challenges and accomplishments of this disaster relief effort be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIFE-SAVING EFFORTS

Over 3,000 people have been rescued by the United States Coast Guard and other operations. The Coast Guard has deployed 57 aircraft and 27 cutters.

More than 25 urban search and rescue task forces are operating with 1,800 personnel.

More than 50 National Disaster Medical System teams have deployed to deal with medical needs.

1,700 trucks have been mobilized to supply water, ice, food, medicine, and medical supplies.

450 buses are moving people out of the affected areas in Louisiana.

Over 78,000 people are in shelters across the region.

13.4 million liters of water and 3.4 million pounds of ice have been shipped to the impacted areas.

ELECTRICITY/ENERGY

2.3 million citizens are without power in the Gulf Coast States.

Gasoline and diesel fuel is being routed to emergency personnel and services first.

The Department of Energy has authorized the release of oil from the Strategic Petroleum Reserve.

The Environmental Protection Agency has temporarily waived standards for gasoline and diesel fuels to make sure that more fuel is available for emergency services.

MILITARY

State and local law enforcement and the National Guard are working to restore order throughout the affected areas.

13,000 National Guard are stationed in Mississippi, Louisiana, Alabama, and Florida, under control of the Governors. Approximately 6,000 members of the National Guard are stationed in Mississippi.

The total number of National Guard is expected to increase to more than 20,000 by Friday.

The Department of Defense has sent eight Navy ships to the area, including a hospital ship with 100 beds and 800 medical personnel.

The Department of Defense has provided over 20 million ready-to-eat meals.

INFRASTRUCTURE

The Army Corps of Engineers is coordinating efforts to repair levees in New Orleans and remove water from the city.

Federal and State departments of transportation are working to repair and reopen highways and interstates.

Interstates 55, 59, 49, and 20 have been reopened in Mississippi. Interstate 10 is open with one lane of traffic for emergency vehicles only.

HEALTH AND HUMAN SERVICES

The Department of Health and Human Services has declared a public health emergency in the affected areas.

A network of 40 medical shelters with 10,000 beds is staffed by 4,000 medical personnel.

2,600 beds have been identified in the immediate area, with 40,000 more beds nationwide.

AGRICULTURE

USDA's Food and Nutrition Service is providing shelters and mass feedings sites and issuing emergency food stamps and infant formula. Over 80,000 pounds of commodities arrived in New Orleans today.

OTHER

The Internal Revenue Service announced special relief for taxpayers in the disaster areas.

The Small Business Administration will position loan officers in disaster recovery centers to help small business owners.

The American Red Cross is providing a safe haven for nearly 46,000 evacuees in more than 230 shelters across the region.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. COCHRAN. Mr. President, at this point, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the Senate may receive from the House an emergency supplemental appropriations bill for relief of the victims of Hurricane Katrina, the text of which is at the desk, and that the measure be considered read three times and passed and a motion to reconsider laid on the table; provided that the text of the House bill is identical to that which is at the desk.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I want the record to be spread with the fact that the ranking member of the Appropriations Committee, Senator ROBERT BYRD, has indicated he fully supports the action tonight and stands arm-in-arm with the chairman of the committee, Senator COCHRAN, to move forward any other

requests that would come down from the administration.

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

The Senator from New York.

Mr. SCHUMER. Mr. President, first, my particular thoughts go to our colleague from Mississippi, the chairman of the Appropriations Committee, who has experienced visiting such devastation.

I have some idea of how he feels because less than 4 years ago—a little more than 4 years ago—I experienced the same in New York.

Tonight, our Nation is experiencing one of the most tragic and heart-rending natural disasters in our history. Entire towns have been destroyed, lives upturned, families lost, and the chaos we have all watched unfold continues even tonight.

Our hearts go out to the people of Louisiana, Mississippi, Alabama, and all of the other Gulf States affected by Hurricane Katrina. Our prayers go out most of all to those still stranded and to those who have lost loved ones. The images on television are devastating—hungry, weeping children sitting on the street amidst garbage; family members returning to the destroyed remains of their neighborhoods discovering they have lost everything they have ever owned, from precious family keepsakes to their houses, cars, and livelihoods; and angry, frightened people with nowhere to go and no rescue in sight.

I join with all Americans and people all over the world in praying for the safe rescue of all the victims of this heartbreaking tragedy.

Four years ago, my city of New York faced a devastating attack, and America stood with us in our time of need. New Yorkers will stand with the people of the gulf region now as they stood with us then.

The love and support New Yorkers received from the rest of the country after 9/11 meant so much in the wake of those attacks and the long, difficult road to recovery. I want the people of New Orleans, Louisiana, Mississippi, and the rest of the gulf to know we will support them, too, no matter how long and difficult their recovery may be. We will do whatever it takes to help now, tomorrow, and into the future.

Our first step comes tonight, when the Senate will agree to provide \$10.5 billion in desperately needed disaster relief funding to the devastated region. And we will stand unified with President Bush and ready to provide everything and anything that New Orleans and the rest of the gulf region will need to rebuild and recover. Just as we did after 9/11, this body and the entire Nation will work together to overcome this disaster. The American people are strong, and we will persevere.

Like so many Americans, I have been watching the terrible images on television, and I worry about the thousands of people still stranded in the Superdome and throughout the city and region without food, water, sanitary fa-

cilities, or medical treatment. I worry so very much about the desperately ill people, including small babies and frail seniors who need medical care, and the people who may still be trapped in places rescuers have not reached, people in attics who retreated to the attics as the waters rose and then were stuck there.

I know firsthand how difficult it can be to organize a massive rescue and recovery effort, and clearly this disaster is unprecedented in its scope and difficulty.

Tonight, a lot of people's lives still hang in the balance. Money for the long run is necessary, and that is why we are here tonight. But there is much more we must do immediately. We must focus all our efforts on rescuing those who are in need of medicine, who are hungry, thirsty, and frightened and despairing. We must get these people to shelter and to medical facilities immediately. We must fly in food, water, clothing, blankets, medicine, and whatever else is needed. We must get as many ships, buses, and trucks as we can, from wherever we can get them, to transport the victims and to begin clearing the wreckage. We must provide the soldiers and law enforcement needed to restore law and order—however many it takes.

This is literally a life-and-death crisis, where every moment of delay has a human price. There is not a minute to lose, no matter the cost.

I know the phones have been ringing off the hook in my office and those of my colleagues. Many have called asking where they can contribute. That act of generosity is also noted. We are hearing from our constituents who have heartfelt questions about what went wrong in this tragedy and what else could have been done to prevent it. At the moment, we must keep our total focus on saving lives. But I want them to know that their questions are not falling on deaf ears. In due time, after we have done everything to save those whose lives hang in the balance, we will ask those difficult questions—not to lay blame but to learn from the mistakes that were made so that the Nation will be better prepared for the next disaster we might face.

But now is the time for action, for solving these problems, and for saving the lives that hang in the balance. In the days and months ahead, this Nation will pull together united as we did after 9/11. We will do everything we can to help the victims and repair and rebuild the cities and towns in the gulf, especially the much beloved city of New Orleans.

Just as we did in New York, we will face difficulties and great sorrow, but I know I join all of my colleagues in the Senate in pledging assistance—financial and beyond—that the gulf region needs and anything else in our power to help our fellow citizens.

Tonight, our prayers—our fervent prayers—are with them.

● Mr. HATCH. Mr. President, I rise today with sadness in my heart, yet

firm in my resolve to do whatever is necessary in order to be of assistance to the citizens of Louisiana, Mississippi, Alabama, and Florida. No amount of Federal compensation can ever make up for the losses that have been suffered or for the tragic circumstances surrounding this event. Lives have been changed forever. However, now, as we have always done in the past, we will band together as a nation and begin the process of healing the wounds caused by this unprecedented tragedy.

I know I speak for all the citizens of Utah when I extend my State's heartfelt sympathies to all who have suffered. The Governor of Utah has graciously volunteered to open our State's doors to the refugees from the New Orleans area, by providing them with shelter, food, and other appropriate assistance. We are all anxious to help and provide as much relief and comfort as possible to these good people.

As a member of our Nation's Federal Government, I pledge my full support to provide assistance to the victims of Hurricane Katrina. I am also grateful for the President's leadership. He has done an extraordinary job of organizing and deploying our Nation's resources in a timely and expeditious manner. Currently, the Federal Emergency Management Agency is spending \$500 million a day to help these citizens. This is a staggering amount of money, but these are staggering times and when we pledge our assistance, we pledge all the assistance we can possibly muster.

The suffering and pain felt by our citizens in the South is abhorrent and I am, once again, in awe of the commitment, selflessness, and skill of our Nation's first responders, disaster agency personnel, military personnel, local volunteers, local leaders, and everyday heroes who are—right now—doing all they can to help. I am also indebted to our congressional leadership for bringing the Congress together in an unprecedented fashion to provide Federal aid in a timely manner so rescue and relief efforts can continue unobstructed.

I am resolved to do everything I can. I know millions of citizens throughout the country are similarly resolved. To those heroes who wish to alleviate the suffering in the South, please heed the President's request and donate cash to the groups that are providing direct assistance in Louisiana, Mississippi, Alabama, and Florida. Information can be found at the FEMA Web site or by calling the American Red Cross at 1-800-HELP-NOW.

The compassion and humanitarian efforts going on in this country are astounding. Thank you to all those citizens who have offered assistance and prayers. I know we can count on every American to do their part in this hour of need.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. FEINGOLD. Mr. President, like all Americans, my thoughts are with

those struggling to cope with the terrible effects of Hurricane Katrina. The devastation brought by the storm is absolutely heart-wrenching and beyond description. Many of my constituents are deeply concerned by the scenes of suffering they are witnessing and I share their desire that the Government do all it can to get help to Katrina's victims as soon as possible.

I commend the majority leader and minority leader for acting to make sure that the Federal help is available to deal with Katrina's aftermath. I hope that the emergency supplemental we are passing will help to ensure that disaster relief efforts proceed as smoothly and expeditiously as possible. I will continue to work with my colleagues in Congress and with the President to make sure that the Federal Government does all it can to assist those who have lost so much in this national tragedy.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Mr. President, even though we have all been scattered across the country during this past week as the Senate has been in recess, we have all witnessed through television the devastating scenes from Louisiana and Mississippi. My heart goes out to all of those who have been affected by Hurricane Katrina—those who have lost friends and family members; those who have lost homes; those whose lives have been completely upended. My thoughts and my prayers are with them all.

Having represented California in the Senate for the past 12½ years, I have been through my share of disasters—of earthquakes, floods, mudslides, and fires. I know a little of what they are going through right now in the South. But no matter how many disasters I have witnessed first hand in California, I must admit, these are some of the most disturbing and catastrophic scenes I have ever seen.

And here we are, several days after the hurricane struck, and it does not appear to be getting much better. Tens of thousands of people remained stranded and trapped—there is a critical lack of food and water—and people are dying. It is truly a desperate situation.

So I am pleased to support this legislation to provide emergency funding to help the relief efforts. I doubt it will be enough, and I suspect we will need to do more. I trust that the action we are taking tonight will be just the first step—and will serve to underscore our desire to take care of the people of the Gulf States.●

The bill (H.R. 3645) was read the third time and passed.

Mr. COCHRAN. Mr. President, 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 that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 51, which is the adjournment resolution. I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 51) was agreed to, as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, September 1, or on Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, September 2, 2005, 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, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. REID):

S. Con. Res. 51. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment or recess of the House of Representatives; considered and agreed to.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 51—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE OF REPRESENTATIVES

Mr. FRIST (for himself and Mr. REID) submitted the following concurrent

resolution; which was considered and agreed to:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, September 1, or on Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, September 2, 2005, 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, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of July 29, 2005, the following reports of committees were submitted on August 31, 2005:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 1295. A bill to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission (Rept. No. 109-122).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1250. A bill to reauthorize the Great Ape Conservation Act of 2000 (Rept. No. 109-123).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1339. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. No. 109-124).

S. 1340. A bill to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment (Rept. No. 109-125).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1415. A bill to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections (Rept. No. 109-126).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 1428. A bill to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes (Rept. No. 109-127).

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 1307, a bill to implement the Dominican Republic-Central America-United States Free Trade Agreement (Rept. No. 109-128).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1317, a bill to provide for the collection and maintenance of

cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood (Rept. No. 109-129).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 525. A bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes (Rept. No. 109-130).

S. 1107. A bill to reauthorize the Head Start Act, and for other purposes (Rept. No. 109-131).

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

On Friday, July 29, 2005, the Senate passed H.R. 3199, as amended, as follows:

S. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the “USA PATRIOT Improvement and Reauthorization Act of 2005”.

[(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

[Sec. 1. Short title; table of contents.

[Sec. 2. Patriot section 203; notice to court of disclosure of foreign intelligence information.

[Sec. 3. Patriot section 206; additional requirements for multipoint electronic surveillance under FISA.

[Sec. 4. Patriot section 207; duration of FISA surveillance of non-United States persons.

[Sec. 5. Patriot section 212; enhanced oversight of good-faith emergency disclosures.

[Sec. 6. Patriot section 213; limitations on delayed notice search warrants.

[Sec. 7. Patriot section 214; factual basis for pen register and trap and trace authority under FISA.

[Sec. 8. Patriot section 215; procedural protections for court orders to produce records and other items in intelligence investigations.

[Sec. 9. Patriot section 505; procedural protections for national security letters.

[Sec. 10. Sunset provisions.

[Sec. 11. Enhancement of sunshine provisions.

SECTION 2. PATRIOT SECTION 203; NOTICE TO COURT OF DISCLOSURE OF FOREIGN INTELLIGENCE INFORMATION.

[Section 2517 of title 18, United States Code, is amended by adding at the end the following:

“(9) Within a reasonable time after disclosure is made, pursuant to paragraph (6), (7), or (8), of the contents of any wire, oral, or electronic communication, an attorney for the Government must file, under seal, a notice with the judge that issued the order authorizing or approving the interception of such wire, oral, or electronic communication, stating that such contents or evidence was disclosed and the departments, agencies, or entities to which the disclosure was made.”.

SECTION 3. PATRIOT SECTION 206; ADDITIONAL REQUIREMENTS FOR MULTIPPOINT ELECTRONIC SURVEILLANCE UNDER FISA.

[(a) PARTICULARITY REQUIREMENT.—Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting before the semicolon at the end the following: “, and if the nature and location of each of the facilities or places at which the surveillance will be directed is not known, and if the identity of the target is not known, the order shall include sufficient information to describe a specific target with particularity”.

[(b) ADDITIONAL DIRECTIONS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

[(1) by striking “An order approving an electronic surveillance under this section shall—”;

[(2) in paragraph (1), by inserting before “specify” the following: “SPECIFICATIONS.—An order approving an electronic surveillance under this section shall”;

[(3) in paragraph (1)(F), by striking “; and” and inserting a period;

[(4) in paragraph (2), by inserting before “direct” the following: “DIRECTIONS.—An order approving an electronic surveillance under this section shall”;

[(5) by adding at the end the following:

“(3) SPECIAL DIRECTIONS FOR CERTAIN ORDERS.—An order approving an electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is unknown shall direct the applicant to provide notice to the court within 10 days after the date on which surveillance begins to be directed at any new facility or place of—

“(A) the nature and location of each facility or place at which the electronic surveillance is directed;

“(B) the facts and circumstances relied upon by the applicant to justify the applicant’s belief that each facility or place at which the electronic surveillance is directed is being used, or is about to be used, by the target of the surveillance; and

“(C) a statement of any proposed minimization procedures that differ from those contained in the original application or order, that may be necessitated by a change in the facility or place at which the electronic surveillance is directed.”.

[(c) ENHANCED OVERSIGHT.—

[(1) REPORT TO CONGRESS.—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(1)) is amended by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “Senate Select Committee on Intelligence”.

[(2) MODIFICATION OF SEMIANNUAL REPORT REQUIREMENT ON ACTIVITIES UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Paragraph (2) of section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended to read as follows:

“(2) Each report under the first sentence of paragraph (1) shall include a description of—

“(A) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title where the nature and location of each facility or place at which the electronic surveillance will be directed is not known; and

“(B) each criminal case in which information acquired under this Act has been authorized for use at trial during the period covered by such report.”.

[SEC. 4. PATRIOT SECTION 207; DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS.]

[(a) ELECTRONIC SURVEILLANCE ORDERS.—Section 105(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1805(e)) is amended—

[(1) in paragraph (1)(B), by striking “, as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”; and

[(2) in paragraph (2)(B), by striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”.

[(b) PHYSICAL SEARCH ORDERS.—Section 304(d) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1824(d)) is amended—

[(1) in paragraph (1)(B), striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”; and

[(2) in paragraph (2), striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”.

[(c) PEN REGISTERS.—Section 402(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1842(e)) is amended by—

[(1) inserting after “90 days” the first place it appears the following: “, except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order issued under this section may be for a period not to exceed 1 year”; and

[(2) by inserting after “90 days” the second place it appears the following: “, except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an extension of an order issued under this section may be for a period not to exceed 1 year”.

[SEC. 5. PATRIOT SECTION 212; ENHANCED OVERSIGHT OF GOOD-FAITH EMERGENCY DISCLOSURES.]

[(a) ENHANCED OVERSIGHT.—Section 2702 of title 18, United States Code, is amended by adding at the end the following:

[(“d) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

[(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

[(2) a summary of the basis for disclosure in those instances where—

[(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

[(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.”.

[(b) TECHNICAL AMENDMENTS TO CONFORM COMMUNICATIONS AND CUSTOMER RECORDS EXCEPTIONS.—

[(1) VOLUNTARY DISCLOSURES.—Section 2702 of title 18, United States Code, is amended—

[(A) in subsection (b)(8)—

[(i) by striking “Federal, State, or local”; and

[(ii) by inserting “immediate” before “danger”; and

[(B) by striking subsection (c)(4) and inserting the following:

[(“4) to a governmental entity, if the provider, in good faith, believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.”.

[(2) DEFINITIONS.—Section 2711 of title 18, United States Code, is amended—

[(A) in paragraph (2), by striking “and” at the end;

[(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

[(C) by adding at the end the following:

[(“4) the term ‘governmental entity’ means a department or agency of the United States or any State or political subdivision thereof.”.

[SEC. 6. PATRIOT SECTION 213; LIMITATIONS ON DELAYED NOTICE SEARCH WARRANTS.]

[(a) GROUNDS FOR DELAY.—Section 3103a(b)(1) of title 18, United States Code, is amended by striking “may have an adverse result (as defined in section 2705);” and inserting “may—

[(“A) endanger the life or physical safety of an individual;

[(“B) result in flight from prosecution;

[(“C) result in the destruction of or tampering with evidence;

[(“D) result in intimidation of potential witnesses; or

[(“E) otherwise seriously jeopardize an investigation.”.

[(b) LIMITATION ON REASONABLE PERIOD FOR DELAY.—Section 3103a(b)(3) of title 18, United States Code, is amended by—

[(1) inserting “on a date certain that is” before “within a reasonable period of its execution”; and

[(2) after “good cause shown” inserting “, subject to the condition that extensions should only be granted upon an updated showing of the need for further delay and that each additional delay should be limited to periods of 90 days or less, unless the facts of the case justify a longer period of delay”.

[(c) ENHANCED OVERSIGHT.—Section 3103a of title 18, United States Code, is amended by adding at the end the following:

[(“c) REPORTS.—

[(“1) REPORT BY JUDGE.—Not later than 30 days after the expiration of a warrant authorizing delayed notice (including any extension thereof) entered under this section, or the denial of such warrant (or request for extension), the issuing or denying judge shall report to the Administrative Office of the United States Courts—

[(“A) the fact that a warrant was applied for;

[(“B) the fact that the warrant or any extension thereof was granted as applied for, was modified, or was denied;

[(“C) the period of delay in the giving of notice authorized by the warrant, and the number and duration of any extensions; and

[(“D) the offense specified in the warrant or application.

[(“2) REPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In April of each year, the Director of the Administrative Office of the United States Courts shall transmit to Congress a full and complete report—

[(“A) concerning the number of applications for warrants and extensions of warrants authorizing delayed notice pursuant to this section, and the number of warrants and extensions granted or denied pursuant to this section during the preceding calendar year; and

[(“B) that includes a summary and analysis of the data required to be filed with the Administrative Office by paragraph (1).

[(“3) REGULATIONS.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, is authorized to issue binding regulations dealing with the content and form of the reports required to be filed under paragraph (1).”.

[SEC. 7. PATRIOT SECTION 214; FACTUAL BASIS FOR PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.]

[(a) FACTUAL BASIS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES UNDER FISA.—

[(1) APPLICATION.—Section 402(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)(2)) is amended by striking “a certification by the applicant that” and

inserting “a statement of the facts relied upon by the applicant to justify the applicant’s belief that”.

[(2) ORDER.—Section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) is amended by striking “if the judge finds that” and all that follows and inserting “if the judge finds that the application includes sufficient facts to justify the belief that the information likely to be obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities and otherwise satisfies the requirements of this section.”.

[(b) RECORDS.—Section 402(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(2)) is amended—

[(1) in subparagraph (A)—

[(A) in clause (ii), by adding “and” at the end; and

[(B) in clause (iii), by striking the period at the end and inserting a semicolon; and

[(2) in subparagraph (B)(iii), by striking the period at the end and inserting “; and”; and

[(3) by adding at the end the following:

[(“C) shall direct that, upon the request of the applicant, the provider of a wire or electronic communication service shall disclose to the Federal officer using the pen register or trap and trace device covered by the order—

“(i) in the case of the customer or subscriber using the service covered by the order (for the period specified by the order)—

[(“I) the name of the customer or subscriber;

[(“II) the address of the customer or subscriber;

[(“III) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address or associated routing or transmission information;

[(“IV) the length of the provision of service by such provider to the customer or subscriber and the types of services utilized by the customer or subscriber;

[(“V) in the case of a provider of local or long distance telephone service, any local or long distance telephone records of the customer or subscriber;

[(“VI) if applicable, any records reflecting period of usage (or sessions) by the customer or subscriber; and

[(“VII) any mechanisms and sources of payment for such service, including the number of any credit card or bank account utilized for payment for such service; and

[(“ii) if available, with respect to any customer or subscriber of incoming or outgoing communications to or from the service covered by the order—

[(“I) the name of such customer or subscriber;

[(“II) the address of such customer or subscriber;

[(“III) the telephone or instrument number, or other subscriber number or identifier, of such customer or subscriber, including any temporarily assigned network address or associated routing or transmission information; and

[(“IV) the length of the provision of service by such provider to such customer or subscriber and the types of services utilized by such customer or subscriber.”.

[(c) ENHANCED OVERSIGHT.—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended—

[(1) in subsection (a), by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “of the Senate”; and

[(2) in subsection (b), by striking "On a semiannual basis" through "the preceding 6-month period" and inserting, "In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year".

[SEC. 8. PATRIOT SECTION 215; PROCEDURAL PROTECTIONS FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

[(a) Factual Basis for Requested Order.—

[(1) APPLICATION.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended by striking "shall specify that the records concerned are sought for" and inserting "shall include a statement of facts showing that there are reasonable grounds to believe that the records or other things sought are relevant to".

[(2) ORDER.—Section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) is amended by striking "if the judge finds that" and all that follows and inserting "if the judge finds that the statement of facts contained in the application establishes reasonable grounds to believe that the records or other things sought are relevant to an authorized investigation conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, and the application meets the other requirements of this section.".

[(b) ADDITIONAL PROTECTIONS.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

[(1) in paragraph (2), by inserting after "An order under this subsection" the following:—

["(A) shall describe the tangible things concerned with sufficient particularity to permit them to be fairly identified;

["(B) shall prescribe a return date which will provide a reasonable period of time within which the tangible things can be assembled and made available;

["(C) shall provide clear and conspicuous notice of the principles and procedures set forth in subsections (d) and (f); and

["(D)".

[(c) DIRECTOR APPROVAL FOR CERTAIN APPLICATIONS.—Section 501(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended—

[(1) in paragraph (1), by striking "The Director" and inserting "Except as provided in paragraph (3), the Director"; and

[(2) by adding at the end the following:

["(3) No application shall be made under this section for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, or medical records containing personally identifiable information without the prior written approval of the Director of the Federal Bureau of Investigation. The Director may delegate authority to approve such an application to the Deputy Director of the Federal Bureau of Investigation, but such authority may not be further delegated.".

[(d) PROHIBITION ON DISCLOSURE.—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows:

["(d)(1) No person shall disclose to any other person that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section other than to—

["(A) those persons to whom such disclosure is necessary to comply with such order;

["(B) an attorney to obtain legal advice or assistance with respect to the production of things in response to the order; or

["(C) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

["(2)(A) Any person having received a disclosure under subparagraph (A), (B), or (C) of paragraph (1) shall be subject to the prohibitions on disclosure under that paragraph.

["(B) Any person making a further disclosure authorized by subparagraph (A), (B), or (C) of paragraph (1) shall notify the person to whom the disclosure is made of the prohibitions on disclosure under this subsection.

["(3) An order under this section shall notify, in writing, the person to whom the order is directed of the nondisclosure requirements under this subsection.".

[(e) JUDICIAL REVIEW.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

["(f)(1)(A) Any person receiving an order to produce any tangible thing under this section may challenge the legality of that order by filing a petition in the court established under section 103(a).

["(B) That petition may be considered by any judge of the court.

["(C) The judge considering the petition may modify or set aside the order if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful.

["(D) Any petition for review of a decision to affirm, modify, or set aside an order under this paragraph by the United States or any person receiving such order shall be sent to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions.

["(E) The court of review shall immediately provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

["(2)(A) Judicial proceedings under this subsection shall be concluded as expeditiously as possible.

["(B) The record of proceedings, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

["(3) All petitions under this subsection shall be filed under seal, and the court, upon the request of the Government, shall review any Government submission, which may include classified information, as well as the application of the Government and related materials, ex parte and in camera.".

[(f) ENHANCED OVERSIGHT.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

[(1) in subsection (a), by inserting ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate," after "of the Senate"; and

[(2) in subsection (b)—

[(A) by striking "On a semiannual basis" through "the preceding 6-month period" and inserting "In April of each year, the Attorney General shall transmit to the Congress a report setting forth with respect to the preceding calendar year";

[(B) in paragraph (1), by striking "and" at the end;

[(C) in paragraph (2), by striking the period at the end and inserting "; and"; and

[(D) by adding at the end the following:

["(3) the total number of applications made for orders approving requests for the production of tangible things under section 501, and the total number of orders either granted, modified, or denied, when the application or order involved any of the following:

["(A) The production of tangible things from a library, as defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)).

["(B) The production of tangible things from a person or entity primarily engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally.

["(C) The production of records related to the purchase of a firearm, as defined in section 921(a)(3) of title 18, United States Code.

["(D) The production of health information, as defined in section 1171(4) of the Social Security Act (42 U.S.C. 1320d(4)).

["(E) The production of taxpayer return information, return, or return information, as defined in section 6103(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)).

["(c) Each report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

["(d) In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—

["(1) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

["(2) the total number of such orders either granted, modified, or denied.".

[SEC. 9. PATRIOT SECTION 505; PROCEDURAL PROTECTIONS FOR NATIONAL SECURITY LETTERS.

[(a) IN GENERAL.—Section 2709(a) of title 18, United States Code, is amended—

[(1) by striking "A wire or electronic communication service provider" and inserting the following:

["(1) IN GENERAL.—A wire or electronic communication service provider"; and

[(2) by adding at the end the following:

["(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the request with particularity. The court may modify or set aside the request if compliance would be unreasonable or oppressive.".

[(b) NONDISCLOSURE.—Section 2709(c) of title 18, United States Code, is amended—

[(1) by striking "No wire or electronic communication service provider" and inserting the following:

["(1) IN GENERAL.—No wire or electronic communication service provider"; and

[(2) by adding at the end the following:

["(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

["(3) STANDARD OF REVIEW.—The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. In reviewing a

nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.”.

[(c) ENFORCEMENT OF NATIONAL SECURITY LETTERS.—Section 2709(a) of title 18, United States Code, as amended by subsection (b), is amended by adding at the end the following:

[(3) ENFORCEMENT OF REQUESTS.—The Attorney General may seek enforcement of a request under subsection (b) in an appropriate United States district court if a recipient refuses to comply with the request.”.

[(d) DISCLOSURE OF INFORMATION.—

[(1) SECURE PROCEEDINGS.—Section 2709 of title 18, United States Code, as amended by subsections (b) and (c), is amended—

[(A) in subsection (a), by adding at the end the following:

[(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App.)”; and

[(B) in subsection (c), by adding at the end the following:

[(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App.)”.

[(2) DISCLOSURE TO NECESSARY PERSONS.—Section 2709(c)(1) of title 18, United States Code, as amended by subsection (b), is amended—

[(A) by inserting after “any person” the following: “, except for disclosure to an attorney to obtain legal advice regarding the request or to persons to whom disclosure is necessary in order to comply with the request.”; and

[(B) by adding at the end the following: “Any attorney or person whose assistance is necessary to comply with the request who is notified of the request also shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.”.

[SEC. 10. SUNSET PROVISIONS.

[(a) MODIFICATION OF PATRIOT ACT SUNSET PROVISION.—Section 224(a) of the USA PATRIOT Act (18 U.S.C. 2510 note) is amended to read as follows:

[(a) IN GENERAL.—Except as provided in subsection (b), sections 206 and 215, and the amendments made by those sections, shall cease to have effect on December 31, 2009, and any provision of law amended or modified by such sections shall take effect on January 1, 2010, as in effect on the day before the effective date of this Act.”.

[(b) EXTENSION OF SUNSET ON “LONE WOLF” PROVISION.—Subsection (b) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended to read as follows:

[(b) SUNSET.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

[(2) SPECIAL RULE.—With respect to any particular foreign intelligence investigation that began before the date on which the amendment made by subsection (a) ceases to have effect, section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.”.

[(c) REPEAL OF SUNSET PROVISION RELATING TO SECTION 2332B AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.—Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004

(Public Law 108-458; 118 Stat. 3762) is amended by striking subsection (g).

[(d) TECHNICAL AMENDMENT.—Section 1(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 is amended to read as follows:

[(a) SHORT TITLE.—This Act may be cited as the ‘Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001’ or the ‘USA PATRIOT Act.’”.

[SEC. 11. ENHANCEMENT OF SUNSHINE PROVISIONS.

[(a) RULES AND PROCEDURES FOR FISA COURTS.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

[(e)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

[(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

[(A) All of the judges on the court established pursuant to subsection (a).

[(B) All of the judges on the court of review established pursuant to subsection (b).

[(C) The Chief Justice of the United States.

[(D) The Committee on the Judiciary of the Senate.

[(E) The Select Committee on Intelligence of the Senate.

[(F) The Committee on the Judiciary of the House of Representatives.

[(G) The Permanent Select Committee on Intelligence of the House of Representatives.

[(3) The transmissions required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.”.

[(b) ENHANCED CONGRESSIONAL OVERSIGHT OF FISA EMERGENCY AUTHORITIES.—

[(1) EMERGENCY ELECTRONIC SURVEILLANCE.—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807), is amended—

[(A) in paragraph (a), by striking “and” at the end;

[(B) in paragraph (b), by striking the period at the end and inserting “; and”; and

[(C) by adding at the end the following:

[(c) the total number of emergency employments of electronic surveillance under section 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.”.

[(2) EMERGENCY PHYSICAL SEARCHES.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

[(A) in the first sentence, by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “the Senate”;

[(B) in the second sentence, by striking “and the Committees on the Judiciary of the House of Representatives and the Senate”;

[(C) in paragraph (2), by striking “and” at the end;

[(D) in paragraph (3), by striking the period at the end and inserting “; and”; and

[(E) by adding at the end the following:

[(4) the total number of emergency physical searches authorized by the Attorney General under section 304(e) (50 U.S.C. 1824(e)), and the total number of subsequent orders approving or denying such physical searches.”.

[(3) EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406(b) of the Foreign Intelligence Surveillance Act of 1978

(50 U.S.C. 1846(b)), as amended by section 7, is amended—

[(A) in paragraph (1), by striking “and” at the end;

[(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

[(C) by adding at the end the following:

[(3) the total number of pen registers and trap and trace devices whose installation and use was authorized by the Attorney General on an emergency basis under section 403, and the total number of subsequent orders approving or denying the installation and use of such pen registers and trap and trace devices.”.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “USA PATRIOT Improvement and Reauthorization Act of 2005”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Patriot section 206; additional requirements for multipoint electronic surveillance under FISA.

Sec. 3. Patriot section 207; duration of FISA surveillance of non-United States persons.

Sec. 4. Patriot section 212; enhanced oversight of good-faith emergency disclosures.

Sec. 5. Patriot section 213; limitations on delayed notice search warrants.

Sec. 6. Patriot section 214; authority for disclosure of additional information in connection with orders for pen register and trap and trace authority under FISA.

Sec. 7. Patriot section 215; procedural protections for court orders to produce records and other items in intelligence investigations.

Sec. 8. Patriot section 505; procedural protections for national security letters.

Sec. 9. Sunset provisions.

Sec. 10. Enhancement of sunshine provisions.

SEC. 2. PATRIOT SECTION 206; ADDITIONAL REQUIREMENTS FOR MULTIPOINT ELECTRONIC SURVEILLANCE UNDER FISA.

(a) PARTICULARITY REQUIREMENT.—Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting before the semicolon at the end the following: “, and if the nature and location of each of the facilities or places at which the surveillance will be directed is not known, and if the identity of the target is not known, the order shall include sufficient information to describe a specific target with particularity”.

(b) ADDITIONAL DIRECTIONS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) by striking “An order approving an electronic surveillance under this section shall—”;

(2) in paragraph (1), by inserting before “specify” the following: “SPECIFICATIONS.—An order approving an electronic surveillance under this section shall”;

(3) in paragraph (1)(F), by striking “; and” and inserting a period;

(4) in paragraph (2), by inserting before “direct” the following: “DIRECTIONS.—An order approving an electronic surveillance under this section shall”;

(5) by adding at the end the following:

“(3) SPECIAL DIRECTIONS FOR CERTAIN ORDERS.—An order approving an electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is unknown shall direct the applicant to provide notice to the court within 10 days after the date on which surveillance begins to be directed at any new facility or place of—
“(A) the nature and location of each facility or place at which the electronic surveillance is directed;

“(B) the facts and circumstances relied upon by the applicant to justify the applicant’s belief that each facility or place at which the electronic surveillance is directed is being used, or is about to be used, by the target of the surveillance; and

“(C) a statement of any proposed minimization procedures that differ from those contained in the original application or order, that may be necessitated by a change in the facility or place at which the electronic surveillance is directed.”.

(c) **ENHANCED OVERSIGHT.**—

(1) **REPORT TO CONGRESS.**—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(1)) is amended by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “Senate Select Committee on Intelligence”.

(2) **MODIFICATION OF SEMIANNUAL REPORT REQUIREMENT ON ACTIVITIES UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**—Paragraph (2) of section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended to read as follows:

“(2) Each report under the first sentence of paragraph (1) shall include a description of—

“(A) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title where the nature and location of each facility or place at which the electronic surveillance will be directed is not known; and

“(B) Each criminal case in which information acquired under this Act has been authorized for use at trial during the period covered by such report.”.

SEC. 3. PATRIOT SECTION 207; DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS.

(a) **ELECTRONIC SURVEILLANCE ORDERS.**—Section 105(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1805(e)) is amended—

(1) in paragraph (1)(B), by striking “, as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”; and

(2) in paragraph (2)(B), by striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”.

(b) **PHYSICAL SEARCH ORDERS.**—Section 304(d) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1824(d)) is amended—

(1) in paragraph (1)(B), striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”; and

(2) in paragraph (2), striking “as defined in section 101(b)(1)(A)” and inserting “who is not a United States person”.

(c) **PEN REGISTERS.**—Section 402(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1842(e)) is amended by—

(1) inserting after “90 days” the first place it appears the following: “, except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order issued under this section may be for a period not to exceed 1 year”; and

(2) inserting after “90 days” the second place it appears the following: “, except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an extension of an order issued under this section may be for a period not to exceed 1 year”.

SEC. 4. PATRIOT SECTION 212; ENHANCED OVERSIGHT OF GOOD-FAITH EMERGENCY DISCLOSURES.

(a) **ENHANCED OVERSIGHT.**—Section 2702 of title 18, United States Code, is amended by adding at the end the following:

“(d) **REPORTING OF EMERGENCY DISCLOSURES.**—On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

“(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

“(2) a summary of the basis for disclosure in those instances where—

“(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

“(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.”.

(b) **TECHNICAL AMENDMENTS TO CONFORM COMMUNICATIONS AND CUSTOMER RECORDS EXCEPTIONS.**—

(1) **VOLUNTARY DISCLOSURES.**—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(8), by striking “Federal, State, or local”; and

(B) by striking subsection (c)(4) and inserting the following:

“(4) to a governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of the information.”.

(2) **DEFINITIONS.**—Section 2711 of title 18, United States Code, is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) the term ‘governmental entity’ means a department or agency of the United States or any State or political subdivision thereof.”.

SEC. 5. PATRIOT SECTION 213; LIMITATIONS ON DELAYED NOTICE SEARCH WARRANTS.

(a) **GROUNDS FOR DELAY.**—Section 3103a(b)(1) of title 18, United States Code, is amended by striking “may have an adverse result (as defined in section 2705);” and inserting “may—

“(A) endanger the life or physical safety of an individual;

“(B) result in flight from prosecution;

“(C) result in the destruction of or tampering with evidence;

“(D) result in intimidation of potential witnesses; or

“(E) otherwise seriously jeopardize an investigation;”.

(b) **LIMITATION ON REASONABLE PERIOD FOR DELAY.**—Section 3103a of title 18, United States Code, is amended—

(1) by striking subsection (b)(3) and inserting the following:

“(3) the warrant provides for the giving of such notice not later than 7 days after the date of its execution, or on a later date certain if the facts of the case justify a longer period of delay.”; and

(2) by adding at the end the following:

“(c) **EXTENSIONS OF DELAY.**—Any period of delay authorized by this section may be extended by the court for good cause shown, subject to the condition that extensions should only be granted upon an updated showing of the need for further delay and that each additional delay should be limited to periods of 90 days or less, unless the facts of the case justify a longer period of delay.”.

(c) **ENHANCED OVERSIGHT.**—Section 3103a of title 18, United States Code, is amended by adding at the end the following:

“(c) **REPORTS.**—

“(1) **REPORT BY JUDGE.**—Not later than 30 days after the expiration of a warrant authorizing delayed notice (including any extension thereof) entered under this section, or the denial of such warrant (or request for extension), the issuing or denying judge shall report to the Administrative Office of the United States Courts—

“(A) the fact that a warrant was applied for;

“(B) the fact that the warrant or any extension thereof was granted as applied for, was modified, or was denied;

“(C) the period of delay in the giving of notice authorized by the warrant, and the number and duration of any extensions; and

“(D) the offense specified in the warrant or application.

“(2) **REPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.**—In April of each year, the Director of the Administrative Office of the United States Courts shall transmit to Congress a full and complete report—

“(A) concerning the number of applications for warrants and extensions of warrants authorizing delayed notice pursuant to this section, and the number of warrants and extensions granted or denied pursuant to this section during the preceding calendar year; and

“(B) that includes a summary and analysis of the data required to be filed with the Administrative Office by paragraph (1).

“(3) **REGULATIONS.**—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, is authorized to issue binding regulations dealing with the content and form of the reports required to be filed under paragraph (1).”.

SEC. 6. PATRIOT SECTION 214; AUTHORITY FOR DISCLOSURE OF ADDITIONAL INFORMATION IN CONNECTION WITH ORDERS FOR PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) **RECORDS.**—Section 402(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by adding “and” at the end; and

(B) in clause (iii), by striking the period at the end and inserting a semicolon; and

(2) in subparagraph (B)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) shall direct that, upon the request of the applicant, the provider of a wire or electronic communication service shall disclose to the Federal officer using the pen register or trap and trace device covered by the order—

“(i) in the case of the customer or subscriber using the service covered by the order (for the period specified by the order)—

“(I) the name of the customer or subscriber;

“(II) the address of the customer or subscriber;

“(III) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address or associated routing or transmission information;

“(IV) the length of the provision of service by such provider to the customer or subscriber and the types of services utilized by the customer or subscriber;

“(V) in the case of a provider of local or long distance telephone service, any local or long distance telephone records of the customer or subscriber;

“(VI) if applicable, any records reflecting period of usage (or sessions) by the customer or subscriber; and

“(VII) any mechanisms and sources of payment for such service, including the number of any credit card or bank account utilized for payment for such service; and

“(ii) if available, with respect to any customer or subscriber of incoming or outgoing communications to or from the service covered by the order—

“(I) the name of such customer or subscriber;

“(II) the address of such customer or subscriber;

“(III) the telephone or instrument number, or other subscriber number or identifier, of such customer or subscriber, including any temporarily assigned network address or associated routing or transmission information; and

“(IV) the length of the provision of service by such provider to such customer or subscriber and the types of services utilized by such customer or subscriber.”.

(b) **ENHANCED OVERSIGHT.**—Section 406(a) of the Foreign Intelligence Surveillance Act of 1978

(50 U.S.C. 1846(a)) is amended by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “of the Senate”.

SEC. 7. PATRIOT SECTION 215; PROCEDURAL PROTECTIONS FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

(a) **FACTUAL BASIS FOR REQUESTED ORDER.**—

(1) **APPLICATION.**—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended to read as follows: “(2) shall include a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

“(A) are relevant to an authorized investigation conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(B)(i) pertain to a foreign power or an agent of a foreign power;

“(ii) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(iii) pertain to an individual in contact with, or known to, a suspected agent of a foreign power.”.

(2) **ORDER.**—Section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) is amended to read as follows:

“(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records or tangible things if the judge finds that—

“(A) the statement of facts contained in the application establishes reasonable grounds to believe that the records or other things sought are relevant to an authorized investigation conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities;

“(B) the statement of facts contained in the application establishes reasonable grounds to believe that the records or other things sought—

“(i) pertain to a foreign power or an agent of a foreign power;

“(ii) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(iii) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(C) the application meets the other requirements of this section.”.

(b) **ADDITIONAL PROTECTIONS.**—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2), by inserting after “An order under this subsection” the following:

“(A) shall describe the tangible things concerned with sufficient particularity to permit them to be fairly identified;

“(B) shall prescribe a return date which will provide a reasonable period of time within which the tangible things can be assembled and made available;

“(C) shall provide clear and conspicuous notice of the principles and procedures set forth in subsection (d);

“(D) shall not require the production of anything that would be protected from production under the standards applicable to a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation; and

“(E)”.

(c) **DIRECTOR APPROVAL FOR CERTAIN APPLICATIONS.**—Section 501(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended—

(1) in paragraph (1), by striking “The Director” and inserting “Except as provided in paragraph (3), the Director”; and

(2) by adding at the end the following:

“(3) No application shall be made under this section for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, or medical records containing personally identifiable information without the prior written approval of the Director of the Federal Bureau of Investigation. The Director may delegate authority to approve such an application to the Deputy Director of the Federal Bureau of Investigation, but such authority may not be further delegated.”.

(d) **PROHIBITION ON DISCLOSURE.**—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows:

“(d)(1) No person shall disclose to any other person that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section other than to

“(A) those persons to whom such disclosure is necessary to comply with such order;

“(B) an attorney to obtain legal advice or assistance with respect to the production of things in response to the order; or

“(C) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(2)(A) Any person having received a disclosure under subparagraph (A), (B), or (C) of paragraph (1) shall be subject to the prohibitions on disclosure under that paragraph.

“(B) Any person making a further disclosure authorized by subparagraph (A), (B), or (C) of paragraph (1) shall notify the person to whom the disclosure is made of the prohibitions on disclosure under this subsection.

“(3) An order under this section shall notify, in writing, the person to whom the order is directed of the nondisclosure requirements under this subsection.”.

(e) **JUDICIAL REVIEW.**—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

“(f)(1)(A) Any person receiving an order to produce any tangible thing under this section may challenge the legality of that order, including any prohibition on disclosure, by filing a petition in the court established under section 103(a).

“(B) That petition may be considered by any judge of the court.

“(C) The judge considering the petition may modify or set aside the order if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful.

“(D) Any petition for review of a decision to affirm, modify, or set aside an order or prohibition on disclosure under this paragraph by the United States or any person receiving such order shall be sent to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions.

“(E) The court of review shall immediately provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

“(2)(A) Judicial proceedings under this subsection shall be concluded as expeditiously as possible.

“(B) The record of proceedings, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

“(3) All petitions under this subsection shall be filed under seal, and the court, upon the request of the Government, shall review any Government submission, which may include classified information, as well as the application of the Government and related materials, ex parte and in camera.

“(4) Not later than 60 days after the date of enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005, the court established under section 103(a) shall develop and issue procedures for the review of petitions filed under paragraph (1).”.

(f) **ENHANCED OVERSIGHT.**—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended

(1) in subsection (a), by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “of the Senate”; and

(2) in subsection (b)—

(A) by striking “On a semiannual basis” through “the preceding 6-month period” and inserting “In April of each year, the Attorney General shall transmit to the Congress a report setting forth with respect to the preceding calendar year”; and

(B) in paragraph (1), by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(3) the total number of applications made for orders approving requests for the production of tangible things under section 501, and the total number of orders either granted, modified, or denied, when the application or order involved any of the following:

“(A) The production of tangible things from a library, as defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)).

“(B) The production of tangible things from a person or entity primarily engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally.

“(C) The production of records related to the purchase of a firearm, as defined in section 921(a)(3) of title 18, United States Code.

“(D) The production of health information, as defined in section 1171(4) of the Social Security Act (42 U.S.C. 1320d(4)).

“(E) The production of taxpayer return information, return, or return information, as defined in section 6103(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)).

“(c) Each report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

“(d) In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—

“(1) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

“(2) the total number of such orders either granted, modified, or denied.”.

SEC. 8. PATRIOT SECTION 505; PROCEDURAL PROTECTIONS FOR NATIONAL SECURITY LETTERS.

(a) **IN GENERAL.**—Section 2709(a) of title 18, United States Code, is amended—

(1) by striking “A wire or electronic communication service provider” and inserting the following:

“(1) **IN GENERAL.**—A wire or electronic communication service provider”; and

(2) by adding at the end the following:

“(2) **JUDICIAL REVIEW.**—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the request with particularity. The court may modify or set aside the request if compliance would be unreasonable or oppressive or would violate any constitutional or other legal right or privilege of the petitioner.”.

(b) **NONDISCLOSURE.**—Section 2709(c) of title 18, United States Code, is amended—

(1) by striking “No wire or electronic communication service provider” and inserting the following:

“(1) **IN GENERAL.**—No wire or electronic communication service provider”; and

(2) by adding at the end the following:

“(3) **JUDICIAL REVIEW.**—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

“(4) **STANDARD OF REVIEW.**—The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.”

(c) **ENFORCEMENT OF NATIONAL SECURITY LETTERS.**—Section 2709(a) of title 18, United States Code, as amended by subsection (b), is amended by adding at the end the following:

“(3) **ENFORCEMENT OF REQUESTS.**—The Attorney General may seek enforcement of a request under subsection (b) in an appropriate United States district court if a recipient refuses to comply with the request.”

(d) **DISCLOSURE OF INFORMATION.**—

(1) **SECURE PROCEEDINGS.**—Section 2709 of title 18, United States Code, as amended by subsections (b) and (c), is amended—

(A) in subsection (a), by adding at the end the following:

“(4) **SECURE PROCEEDINGS.**—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App.)”; and

(B) in subsection (c), by adding at the end the following:

“(4) **SECURE PROCEEDINGS.**—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App.).”

(2) **DISCLOSURE TO NECESSARY PERSONS.**—Section 2709(c)(1) of title 18, United States Code, as amended by subsection (b), is amended—

(A) by inserting after “any person” the following: “, except for disclosure to an attorney to obtain legal advice regarding the request or to persons to whom disclosure is necessary in order to comply with the request,”; and

(B) by adding at the end the following: “Any attorney or person whose assistance is necessary to comply with the request who is notified of the request also shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.”

SEC. 9. SUNSET PROVISIONS.

(a) **MODIFICATION OF PATRIOT ACT SUNSET PROVISION.**—Section 224(a) of the USA PATRIOT Act (18 U.S.C. 2510 note) is amended to read as follows:

“(a) **IN GENERAL.**—Except as provided in subsection (b), sections 206 and 215, and the amendments made by those sections, shall cease to have effect on December 31, 2009, and any provision of law amended or modified by such sections shall take effect on January 1, 2010, as in effect on the day before the effective date of this Act.”

(b) **EXTENSION OF SUNSET ON “LONE WOLF” PROVISION.**—Subsection (b) of section 6001 of the

Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended to read as follows:

“(b) **SUNSET.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

“(2) **SPECIAL RULE.**—With respect to any particular foreign intelligence investigation that began before the date on which the amendment made by subsection (a) ceases to have effect, section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.”

(c) **REPEAL OF SUNSET PROVISION RELATING TO SECTION 2332B AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.**—Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3762) is amended by striking subsection (g).

(d) **TECHNICAL AMENDMENT.**—Section 1(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 is amended to read as follows:

“(a) **SHORT TITLE.**—This Act may be cited as the ‘Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001’ or the ‘USA PATRIOT Act’.”

SEC. 10. ENHANCEMENT OF SUNSHINE PROVISIONS.

(a) **RULES AND PROCEDURES FOR FISA COURTS.**—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

“(e)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

“(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

“(A) All of the judges on the court established pursuant to subsection (a).

“(B) All of the judges on the court of review established pursuant to subsection (b).

“(C) The Chief Justice of the United States.

“(D) The Committee on the Judiciary of the Senate.

“(E) The Select Committee on Intelligence of the Senate.

“(F) The Committee on the Judiciary of the House of Representatives.

“(G) The Permanent Select Committee on Intelligence of the House of Representatives.

“(3) The transmissions required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.”

(b) **ENHANCED CONGRESSIONAL OVERSIGHT OF FISA EMERGENCY AUTHORITIES.**—

(1) **EMERGENCY ELECTRONIC SURVEILLANCE.**—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807), is amended—

(A) in paragraph (a), by striking “and” at the end;

(B) in paragraph (b), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(c) the total number of emergency employments of electronic surveillance under section 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.”

(2) **EMERGENCY PHYSICAL SEARCHES.**—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(A) in the first sentence, by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “the Senate”; and

(B) in the second sentence, by striking “and the Committees on the Judiciary of the House of Representatives and the Senate”;

(C) in paragraph (2), by striking “and” at the end;

(D) in paragraph (3), by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(4) the total number of emergency physical searches authorized by the Attorney General under section 304(e) (50 U.S.C. 1824(e)), and the total number of subsequent orders approving or denying such physical searches.”

(3) **EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.**—Section 406(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846(b)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) the total number of pen registers and trap and trace devices whose installation and use was authorized by the Attorney General on an emergency basis under section 403, and the total number of subsequent orders approving or denying the installation and use of such pen registers and trap and trace devices.”

AUTHORITY TO SIGN BILLS AND JOINT RESOLUTIONS

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of S. Con. Res. 51 until 12 noon on Tuesday, September 6, 2005, unless the House has not adopted S. Con. Res. 51, in which case the Senate shall stand adjourned until 4 p.m. on Friday, September 2, 2005.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I want to take this final opportunity to thank our colleagues for their assistance in getting this emergency funding considered so quickly. We will be returning to business on Tuesday, and we will be monitoring the situation in all of the affected States as we mentioned tonight—really a much larger region in fact, the whole country—over the next several days.

Our hearts, as has been spelled out and articulated so well by my colleagues, and especially our prayers, go out to the people of those States as we pull together and capture the best of what America represents; that is, the support of, in times of crisis, each other as a nation in order to get through these unanticipated, unprecedented challenges for us.

ADJOURNMENT UNTIL FRIDAY,
SEPTEMBER 2, 2005, OR TUESDAY,
SEPTEMBER 6, 2005

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

Senate, I ask unanimous consent that
the Senate stand in adjournment under
the previous order and under the provi-
sions of S. Con. Res. 51.

There being no objection, the Senate,
at 10:30 p.m. adjourned until 4 p.m. on
Friday, September 2, 2005, or until 12
noon on Tuesday, September 6, 2005.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9593–S9606

Measures Introduced: One resolution was submitted: S. Con. Res. 51. **Page S9598**

Measures Reported:

Reported on Wednesday, August 31, during the adjournment:

S. 1295, to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission. (S. Rept. No. 109–122)

S. 1250, to reauthorize the Great Ape Conservation Act of 2000, with amendments. (S. Rept. No. 109–123)

S. 1339, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994. (S. Rept. No. 109–124)

S. 1340, to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment. (S. Rept. No. 109–125)

S. 1415, to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections, with amendments. (S. Rept. No. 109–126)

H.R. 1428, to authorize appropriations for the National Fish and Wildlife Foundation. (S. Rept. No. 109–127)

Report to accompany S. 1307, to implement the Dominican Republic-Central America-United States Free Trade Agreement. (S. Rept. No. 109–128)

Report to accompany S. 1317, to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitably matched to donors of bone marrow and cord blood. (S. Rept. No. 109–129)

S. 525, to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, with an amendment in the nature of a substitute. (S. Rept. No. 109–130)

S. 1107, to reauthorize the Head Start Act, with an amendment in the nature of a substitute. (S. Rept. No. 109–131) **Page S9599**

Measures Passed:

Adjournment Resolution: Senate agreed to S. Con. Res. 51, providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

Page S9598

Emergency Supplemental—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the recess or adjournment of the Senate, the Senate may receive from the House an emergency supplemental appropriations bill for the relief of the victims of hurricane Katrina, and that the measure be considered read three times and passed and the motion to reconsider be laid upon the table, provided that the text of the House bill is identical to that which is at the desk. **Pages S9597–98**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader, the senior Senator from Mississippi, and the senior Senator from New Mexico be authorized to sign duly enrolled bills or joint resolutions during this adjournment of the Senate. **Page S9605**

Executive Reports of Committees:

Received on Wednesday, August 31, 2005 during the adjournment of the Senate:

Report to accompany U.N. Convention Against Transnational Organized Crime (Treaty Doc. 108–16) (Ex. Rept. 109–4)

Statements on Introduced Bills/Resolutions:

Pages S9598–99

Adjournment: Pursuant to the authority granted by section 2 of H. Con. Res. 225 of the 109th Congress, Senate convened at 10:02 p.m., and pursuant to the provisions of S. Con. Res. 51, adjourned at 10:39 p.m., until 12 noon, on Tuesday, September 6, 2005. (For Senate's program, see the remarks of

the Majority Leader in today's Record on page S9605.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House will meet at 1 p.m. on Friday, September 2.

Committee Meetings

No committee meetings were held.

Next Meeting of the SENATE

12 noon, Tuesday, September 6

Next Meeting of the HOUSE OF REPRESENTATIVES

1 p.m., Friday, September 2

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will resume consideration of the motion to proceed to consideration of S. 147, Native Hawaiian Government Reorganization Act, with a vote on the motion to invoke cloture thereon to occur at 5:30 p.m. Also, Senate may resume consideration of the motion to proceed to consideration of H.R. 8, Estate Tax Act, with a vote on the motion to invoke cloture thereon.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

House Chamber

Program for Friday: To be announced.



Congressional Record

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