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, D.C., 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 notification 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...
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 10,000 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 Baptists. 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, waiting to return to their homes. 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. They were 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.

On the television, we see families wandering with 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—home and which 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 recover. 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 1 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 those efforts.

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 these 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 go, 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.
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 filthy 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 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 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. 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 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. Bolten. 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, to develop an estimate that will 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:

The PRESIDENT.

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.

The Sergeant at Arms 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 amount provided herein is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), Department of Homeland Security:

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 Homeland Security:

Emergency Preparedness and Response

Disaster Relief

For an additional amount for “Disaster Relief”, $500,000,000 for emergency 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, defense-wide (including transfer of funds) for purposes of Department of Homeland Security and for the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Health and Human Services, the Department of Housing and Urban Development, the Federal Emergency Management Agency, the Department of the Treasury, the National Oceanic and Atmospheric Administration, the Department of the Interior, the Department of Agriculture, the Department of Transportation, the Department of Education, the Department of Commerce, the Department of Justice, and the Department of Energy.

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 signed by the President in the Senate, an emergency supplemental appropriations bill to fund disaster relief efforts.

These efforts are ongoing. We have already 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 recent national and State resources 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 refining, 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 and working. I never imagined 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. Roof 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 ask unanimous consent that 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 expense 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.

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

134.4 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 temporarily waived the fuel taxes on 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 re-opened 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 area.

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

2,500 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 feeding 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 6,600 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, which has already been sent to 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 Georgia. The storm was exacerbated by Hurricane Katrina. Our prayers go out to them—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 their remains; families 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 turn 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 emergency 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 about the thousands of people still stranded in the Superdome and throughout the city and region without food, water, sanitary facilities, 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 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 get 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 have been lost, 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 a great sacrifice, 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 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.

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 tremendous leadership our Federal Government, I pledge my full support to provide as much relief and comfort as possible to these good people.

As I have said, the tragedy of Hurricane Katrina has done an extraordinary job of organizing land deploying our Nation's resources in a timely and expeditious manner. Currently, the Federal Emergency Management Agency is spending $500 million to help those citizens who have lost everything. To help those citizens who have lost homes; those who have lost lives; 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 12 1/2 years, I have been through my share of disasters—of earthquakes, floods, mudslides, and fires. I know a little of what they are like. However, I have also 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.

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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 remain 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. Without objection, it is so ordered.

The bill (H.R. 3645) was read the third time and passed. Without objection, it is so ordered.

The resolution was ordered to be printed in the RECORD.

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.

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 that 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.

Mrs. BOXER. Mr. President, even though we have 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.

The compassion and humanitarian efforts going on in this country are astounding. Thank you to all those citizens 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 to those affected by Hurricane Katrina. I know a little of what they are like. However, I have also 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.

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 remain stranded and trapped—there is a critical lack of food and water—and people are dying. It is truly a desperate situation.

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The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The CONGRESSIONAL RECORD — SENATE September 1, 2005

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
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. McCaskill, 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 amendment:

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

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 amendment:

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 purchase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood (Rept. No. 109-129).

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. 1388
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 surveillance.
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. 2. PATRIOT SECTION 203; NOTICE TO COURT OF DISCLOSURE OF FOREIGN INTELLIGENCE INFORMATION.

Section 203 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 to the department, agency, or entities to which the disclosure was made.

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

(c) 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 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 information at the target of the order shall include sufficient information to describe a specific target with particularity”.

(c) 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 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 inserting a period;

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

(5) by adding at the end the following:

(a) 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;

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

(b) 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 “;”.

(2) Modification of semianual report requirement on activities under foreign intelligence surveillance act of 1978.—Paragraph (2) of section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended to read as follows:

(a) 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 305(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 REGISTRARS.—Section 402(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1842(e)) is amended—

(1) in section 101(b)(1)(A), by striking “90 days” and inserting “...as the issuing or denying judge shall place it appearing 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) in section 101(b)(1)(A), by striking “...as the issuing or denying judge shall place it appearing 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(b) of title 18, United States Code, is amended by adding at the end the following:

“(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 when:

(A) the number of accounts disclosed 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”;

(ii) by inserting “...before...” after “determine...”; 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 “...at the end inserting ‘...’; and

(B) in paragraph (3), by striking the period at the end and inserting “...and inserting “a statement of the facts relied upon by the applicant to justify the applicant’s belief that...’”.

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

(a) GROUNDS FOR DELAY.—Section 3103(a)(1) of title 18, United States Code, is amended by striking “may have an adverse effect on the result” as defined in section 2708(b) and inserting “may”.

(b) REQUIREMENTS.—Section 3103(a)(b)(1) of title 18, United States Code, is amended by striking “...as the issuing or denying judge shall place it appearing the following: ‘...’”.

(c) PEN REGISTRARS.—Section 402(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(e)) is amended—

(1) in subsection (a), by adding “...as the end and inserting ‘...’; and

(2) in subsection (b), by striking the period at the end and inserting “...and...” and inserting “...and inserting ‘...’; and

(3) by adding at the end the following:

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

(d) IN THE CASE OF THE CUSTOMER OR SUBSCRIBER USING THE SERVICE COVERED BY THE ORDER (FOR THE PERIOD SPECIFIED BY THE ORDER).—

(1) the name of the customer or subscriber; and

(2) the address of the customer or subscriber; and

(3) 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.

(e) 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; and

(f) 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

(g) 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; and

(ii) the address of such customer or subscriber.
(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 505; PROCEDURAL PROTECTIONS FOR NATIONAL SECURITY LETTERS.—]**

(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 provide a reasonable period of time with sufficient particularity to assess the reasonableness of the statement of facts showing that there are reasonable grounds to believe that the records or other things sought are relevant to the investigation other than to—” 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 the investigation other than 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 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 any United States person in order 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 person receiving an order to produce tangible things under this section may apply to the court of review established under section 103(a) for a judicial review of an order; and

(2) **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”;

(2) by adding at the end the following:

“(3) All petitions under this subsection shall be filed under seal, and the court, upon the request of the Government, shall review the petition in camera, except that the Government may oppose the disclosure of classified information, and the court shall conduct such review in camera.

(4) Pending motion shall state the grounds for challenging the nondisclosure requirement, as defined in section 921(a)(3) of title 18, United States Code.

(5) The production of 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, and 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 received a report setting forth with respect to the production of tangible things pursuant to an order under this section other than to—

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

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

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

(2)(A) Any person receiving 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 receiving a 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 not, in writing, the person to whom the order is directed, disclose any requirement 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:

“(4)(A) Any person receiving an order to produce tangible things under this section may apply to the court of review established under section 103(a) for a judicial review of an order; and

(B) That petition may be considered by any judicial review established under section 103(a).

(f) **DEPARTMENTAL REPORTS.—**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 authorizing 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) by striking ‘A wire or electronic communication service provider’ and inserting 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 in an appropriate United States district court to modify or set aside the request. The court shall consider 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) by striking ‘No wire or electronic communication service provider’ and inserting 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.

(c) **STANDARD OF REVIEW.—**The court may modify or set aside such a nondisclosure requirement if there is a showing that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation involving 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 conclusive unless the court finds that the certification was made in bad faith.’’.

(c) ENFORCEMENT OF NATIONAL SECURITY LETTERS.—Section 105(c) 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 re- questor refuses to comply with the request.’’.

(d) INFORMATION.—

(1) SECURE PROCEEDINGS.—Section 2709(c)(1) 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 or other legal advisor 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) 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) 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 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:—

‘‘(2) by striking “An order approving an electronic surveillance under this section shall”; and

‘‘(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) by inserting before “direct the following” the following:—

‘‘(F) The Select Committee on Intelligence of the Senate.

(G) The Committee on the Judiciary of the House of Representatives.

(H) The Chief Justice of the United States.

(I) The Committee on the Judiciary of the Senate.

(J) The Select Committee on Intelligence of the Senate.

(K) The Committee on the Judiciary of the House of Representatives.

(L) the total number of emergency electronic surveillances under title 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.”.

(2) PHYSICAL SURVEILLANCE.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) 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, and “after the Senate”;

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

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

‘‘(4) the total number of emergency physical searches authorized by the Attorney General under section 305 of title 50 U.S.C. 1824(c), 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 such 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 216; procedural protections for court orders to produce records and other items in intelligence investigations.

Sec. 8. Patriot section 217; procedural protections for national security letters.

Sec. 9. Sunset provisions.

Sec. 10. Enhancement of sunshine provisions.

Sec. 2. PATRIOT SECTION 206, ADDITIONAL REQUIREMENTS FOR MULTIPONT ELECTRONIC SURVEILLANCE UNDER FISA.

(a) PARTICULARITY REQUIREMENT.—Section 106(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 conducted 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) by inserting before ‘‘direct the following’’ the following:—

‘‘(F) The Select Committee on Intelligence of the Senate.

(G) The Committee on the Judiciary of the House of Representatives.

(H) The Chief Justice of the United States.

(I) The Select Committee on Intelligence of the Senate.

(J) The Committee on the Judiciary of the House of Representatives.

(K) The Committee on the Judiciary of the Senate, and ‘‘after the Senate’’;

(L) the total number of emergency electronic surveillances under title 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.’’.

(2) PHYSICAL SURVEILLANCE.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) 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, and ‘‘after the Senate’’;

(B) in the second sentence, by striking ‘‘and the Committee on the Judiciary of the House of Representatives and the Committee on the’’;

(C) in paragraph (2), by striking ‘‘and’’ at the end;

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

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

‘‘(4) the total number of emergency physical searches authorized by the Attorney General under section 305 of title 50 U.S.C. 1824(c), 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 such installation and use of such pen registers and trap and trace devices.”.'
“(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 order or any order modified, revised, or superseded by a change in the facility or place at which the electronic surveillance is directed.

“... (d) REPORTING OF EMERGENCY DISCLOSURES.—(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 such request for extension, the issuing or denying judge shall report to the Administrative Office of the United States Courts—

“(A) the number of warrants or any extensions thereof that were granted as applied for; and

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

“(C) the nature 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 thereof 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;

“(B) that includes a summary and analysis of the data required to be filed with the Administrative Office by 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 302(d)(3) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1827(d)(3)) is amended—

“(1) in subparagraph (A), by striking ‘‘; and’’; and

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

“(IV) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber; and

“(V) the offense specified in the warrant or application.”;

“SEC. 7. TECHNICAL AMENDMENTS TO COMFORM ACTUAL TERMINOLOGY WITH CURRENT TERMINOLOGY IN THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

“(a) PHYSICAL SEARCH ORDERS.—Section 101(b)(1)(B) of title 18, United States Code, is amended by striking ‘‘determined in section 101(b)(1)(A)’’ and inserting ‘‘determined in section 101(b)(1)(A)’’.

“(b) LIMITATION ON REASONABLE PERIOD FOR DELAY.

“(1) R EPORT BY JUDGE .—If the period of usage (or sessions) by the customer or subscriber of incoming or outgoing communications to or from the service covered by the order is—

“(I) less than 72 hours, the Director of the Administrative Office by paragraph (1).

“(A) in section 3103a(b)(1) of title 18, United States Code, as amended by striking ‘‘may have an adverse result (as defined in section 2704) or may endanger the life or physical safety of an individual’’; and

“(B) result in flight from prosecution;

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

“(D) otherwise seriously jeopardize an investigation;’’;

“(2) R EPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—(I) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber; and

“(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; and

“(IV) the length of the provision of service by the customer or subscriber;”;

“(2) R EPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—(I) 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; and

“(IV) the length of the provision of service by such provider to such customer or subscriber;”;

“(b) PENNSYLVANIA.—(1) R EPORT BY JUDGE .—If the period of usage (or sessions) by the customer or subscriber of incoming or outgoing communications to or from the service covered by the order is—

“(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; and

“(IV) 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;”;

“(2) R EPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—(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; 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.”;
(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 PRO-
TECTIONS FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGA-
TIONS.

(a) FACTUAL BASIS FOR REQUESTED ORDERS.—

(1) APPLICABILITY.—Section 501(b)(2) of the For-

eign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(2)) is amended to read as follows:

‘‘(2) No application shall be made under this section for an order requiring the production of library circulation records, library patron lists, bookstore sales records, bookstore rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally.

(b) ADDITIONAL PROTECTIONS.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(c)) is amended—

(1) in paragraph (2), by inserting ‘‘An order under this subsection shall notify, in writing, the person to whom the order is di-

rected of the nondisclosure requirements under this subsection;’’ after ‘‘(2) (A) Any recipient of a disclosure authorized by subparagraph (A), (B), or (C) of paragraph (1) (i) shall notify the person to whom the disclosure is made of the prohibitions on disc-

losure under this subsection;’’;

(2) by adding at the end the following:

‘‘(3) All petitions under this subsection 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 investiga-
tion concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

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

(ii) are relevant to the activities of a sus-
ppected agent of a foreign power who is the sub-
ject of such authorized investigation; or

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

(3) by adding at the end the following:

‘‘(4) Not later than 60 days after the date of

enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005, the court est-

ablished under section 103(a) shall develop and report on procedures for the review of petitions filed under paragraph (1).’’.

(f) ENHANCED OVERSIGHT.—Section 502 of the For-

eign Intelligence Surveillance Act of 1978 (50 U.S.C. 1812) is amended—

(1) in subsection (a), by inserting ‘‘, and the Committee on the Judiciary of the House of Rep-

resentatives 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’’ and in-

serting ‘‘In April of each year, the Attorney General shall transmit to the Congress a report setting forth with respect to the preceding cal-

endar year’’;

(B) in paragraph (1), by striking ‘‘and’’ at the

end; and

(C) in paragraph (2), by striking the period at the end and inserting ‘‘and’’. (D) 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, bookstore sales records, bookstore rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally.

(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 pur-

chase of a firearm, as defined in section 921(a)(3) of title 18, United States Code.

(d) The production of health information, as de-

fined in section 117(d) of the Social Security Act (42 U.S.C. 1320d(d)).

(e) The production of taxpayer return infor-

mation, return, or return information, as de-

fined in section 6103(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)).

(f) Each report under subsection (b) shall be sub-

mitted in unclassified form, but may include a classified annex.

(g) In April of each year, the Attorney Gen-

eral shall transmit to the Congress a report setting forth with respect to the preceding calendar year—

(i) the total number of applications made for orders approving requests for the production of tangible things under section 103; and

(ii) the total number of such orders either granted, modified, or denied.

SEC. 8. PATRIOT SECTION 505; PROCEDURAL PRO-
TECTIONS FOR NATIONAL SECURITY LET-
TEN.

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

(1) by striking ‘‘A wire or electronic commu-
nication service provider’’ and inserting the fol-

lowing:

‘‘(1) ‘‘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 reasons for challenging the request with par-
ticularity. The court may modify or set aside the order if the judge finds that—

(A) the judge considering the petition may modify or set aside the order if the judge finds that the order or requirement of this section or is otherwise unlawful;

(B) any petition for review of a decision to modify, modify, or prohibi-
tion on disclosure under this paragraph by the United States or any person receiving such order shall be sent to the court of review estab-

lished under section 103(b), which shall have ju-
risdiction 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 de-

(c) in paragraph (2), by striking ‘‘The Dire-

ctor’’ and inserting ‘‘Except as provided in para-

graph (3), the Director’’; and

(d) by adding at the end the following:

‘‘(D) The record of proceedings, including ap-

plications made and orders granted, shall be maintained by security measures established by the Chief Justice of the United States in con-
sultation with the Attorney General and the Di-

rector of National Intelligence.

(E) All personal information subsection shall be filed under seal, and the court, upon the re-

quest of the Government, shall review any Gov-

ernment submission, which may include classi-
ed information, return, or return information, as de-

fined in section 6103(b). The court may modify or set aside the order if the judge finds that—

(A) the statement of facts contained in the applic-

ations establishes reasonable grounds to believe that the records or other things sought are rele-
vant to an authorized investigation concerning a United States person or to protect against international terrorism or clandestine intel-

ligence activities;

(B) the statement of facts contained in the applic-

ation 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 sus-
ppected agent of a foreign power who is the sub-
ject of such authorized investigation; or

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

(C) the application meets the other require-
ments of this section.’’; and

(b) NONDISCLOSURE.—Section 2702(c) of title 18, United States Code, is amended—
(b) by striking “No wire or electronic communication service provider” and inserting the following:

“(1) In general.—No wire or electronic communication service provider”.

(2) by adding at the end the following:

“(3) Judicial review.—A wire or electronic communication service provider who receives a request for an order under subsection (b) may, at the request of the Attorney General, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion for such an order shall be decided by the district court within 30 days. The district court may grant or deny a motion for such an order at its discretion. If the district court grants such an order, it shall issue such an order within 7 days of receiving the motion.

“(4) Standard of review.—The court shall review the motion for such an order under this subsection, and the district court shall enter an order granting or denying the motion for such an order if the court finds that there is probable cause to believe that the nondisclosure requirement with particularity.

“(5) Danish royalty.—The court may modify the 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.

“(6) Review of nondisclosure requirement.—In reviewing a nondisclosure requirement, the court or the Attorney General may, at any time, 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 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) The Attorney General may, after the retention of evidence in subsection (b) in an appropriate United States district court, request a court to order the Attorney General to enter an order staying non-disclosure under subsection (c) in an appropriate United States district court if a defendant or witness refuses to comply with the request.”.

(d) Disclosure of Information.—

Section 2710 of title 18, United States Code, as amended by subsections (b) and (c), is amended by adding at the end the following:

“(c) the total number of pen registers and trap and trace devices that were used in the course of, or in connection with, any wire or electronic communication surveillance and the number of people to whom disclosure was made under this section.”.

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:

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

(b) 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.

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

(c) 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”;

(C) by adding at the end the following:

“(2) the total number of emergency physical searches authorized by the Attorney General under section 304(e) (50 U.S.C. 1824(e)), and the number of times the Attorney General approved or denied such physical searches.”.

(2) 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”;

(C) by adding at the end the following:

“(2) 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 AJOURNMENT

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 time 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 provisions 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.

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. 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)

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.

  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.

  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.

Executive Reports of Committees:

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


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

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.)

Next Meeting of the HOUSE OF REPRESENTATIVES
1 p.m., Friday, September 2

House Chamber

Program for Friday: To be announced.