

conducted pursuant to section 105B do not constitute electronic surveillance. The court's review shall be limited to whether the Government's determination is clearly erroneous.

“(c) If the court concludes that the determination is not clearly erroneous, it shall enter an order approving the continued use of such procedures. If the court concludes that the determination is clearly erroneous, it shall issue an order directing the Government to submit new procedures within 30 days or cease any acquisitions under section 105B that are implicated by the court's order.

“(d) The Government may appeal any order issued under subsection (c) to the court established under section 103(b). If such court determines that the order was properly entered, the court shall immediately provide for the record a written statement of each reason for its decision, and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision. Any acquisitions affected by the order issued under subsection (c) of this section may continue during the pendency of any appeal, the period during which a petition for writ of certiorari may be pending, and any review by the Supreme Court of the United States.”.

#### SEC. 4. REPORTING TO CONGRESS.

On a semi-annual basis the Attorney General shall inform the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning acquisitions under this section during the previous 6-month period. Each report made under this section shall include—

(1) a description of any incidents of non-compliance with a directive issued by the Attorney General and the Director of National Intelligence under section 105B, to include—

(A) incidents of non-compliance by an element of the Intelligence Community with guidelines or procedures established for determining that the acquisition of foreign intelligence authorized by the Attorney General and Director of National Intelligence concerns persons reasonably to be outside the United States; and

(B) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issue a directive under this section; and

(2) the number of certifications and directives issued during the reporting period.

#### SEC. 5. TECHNICAL AMENDMENT AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking “501(f)(1)” and inserting “105B(h) or 501(f)(1)”; and

(2) in paragraph (2), by striking “501(f)(1)” and inserting “105B(h) or 501(f)(1)”.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 105 the following:

“105A. Clarification of electronic surveillance of persons outside the United States.

“105B. Additional procedure for authorizing certain acquisitions concerning persons located outside the United States.

“105C. Submission to court review of procedures.”.

#### SEC. 6. EFFECTIVE DATE; TRANSITION PROCEDURES.

(a) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this Act shall take effect immediately after the date of the enactment of this Act.

(b) TRANSITION PROCEDURES.—Notwithstanding any other provision of this Act, any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall remain in effect until the date of expiration of such order, and, at the request of the applicant, the court established under section 103(a) of such Act (50 U.S.C. 1803(a)) shall reauthorize such order as long as the facts and circumstances continue to justify issuance of such order under the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the applicable effective date of this Act. The Government also may file new applications, and the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall enter orders granting such applications pursuant to such Act, as long as the application meets the requirements set forth under the provisions of such Act as in effect on the day before the effective date of this Act. At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)), shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act. Any surveillance conducted pursuant to an order entered under this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as in effect on the day before the effective date of this Act.

(c) SUNSET.—Except as provided in subsection (d), sections 2, 3, 4, and 5 of this Act, and the amendments made by this Act, shall cease to have effect 180 days after the date of the enactment of this Act.

(d) AUTHORIZATIONS IN EFFECT.—Authorizations for the acquisition of foreign intelligence information pursuant to the amendments made by this Act, and directives issued pursuant to such authorizations, shall remain in effect until their expiration. Such acquisitions shall be governed by the applicable provisions of such amendments and shall not be deemed to constitute electronic surveillance as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### VOTE ON S. 2011

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr.

DORGAN), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY) are necessary absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kentucky (Mr. BUNNING) would have voted “nay.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 45, as follows:

[Rollcall Vote No. 310 Leg.]

#### YEAS—43

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Inouye	Reed
Biden	Kennedy	Reid
Bingaman	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lincoln	Webb
Clinton	McCaskill	Whitehouse
Conrad	Menendez	Wyden
Dodd	Mikulski	
Durbin	Nelson (FL)	

#### NAYS—45

Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bennett	Domenici	Pryor
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Smith
Coburn	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lieberman	Voinovich
Crapo	Martinez	Warner

#### NOT VOTING—12

Alexander	Gregg	Lott
Boxer	Harkin	Lugar
Bunning	Johnson	McCain
Dorgan	Kerry	Murray

The PRESIDING OFFICER. Under the previous order, 60 Senators not having voted in the affirmative, the bill is placed on the calendar.

The majority leader.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### UNANIMOUS-CONSENT REQUEST—H.R. 1495

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to the consideration of the conference report to accompany H.R. 1495, WRDA; that it

be considered under the following limitations: that there be 4 hours of debate on the conference report with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota is recognized.

#### AUTHORIZING ADDITIONAL FUNDS FOR EMERGENCY REPAIRS AND RECONSTRUCTION OF THE INTERSTATE I-35 BRIDGE

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3311, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 3311) to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the \$100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

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

Mr. COLEMAN. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2654) was agreed to, as follows:

(Purpose: To improve expanded eligibility for transit and travel information services)

In section 1112(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as added by section 3), strike subparagraph (B) and insert the following:

“(B) use not to exceed \$5,000,000 of the funds made available for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities (without any local matching funds requirement) for operating expenses of the Minnesota State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, which are provided by the Metropolitan Council (of Minnesota) as a temporary substitute for highway traffic service following the collapse of the Interstate I-35W bridge in Minneapolis, Minnesota, on August 1, 2007, until highway traffic service is restored on such bridge.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 3311) was read the third time and passed.

Mr. COLEMAN. Mr. President, my colleague from Minnesota is here. I will yield to her if she wishes to proceed first.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I think everyone in this Chamber and the country and the world is aware of the tragedy that befell our State a few days ago. This is a bridge that is not just in my backyard, it is actually in my front yard. It is only 8 blocks away. It is one of the most well-traveled bridges in our State.

Senator COLEMAN and I were on the ground and saw the great damage yesterday. When I looked down and saw that miracle bus on the precipice and I thought about the fear in the eyes of those little children as they watched as the concrete and the road basically fell down below them, I couldn't even imagine what they went through.

But then I met the heroes, the people who dove in the water over and over again looking for survivors. The death toll would have been so much worse if our community had not come together—the police, fire personnel, emergency personnel, and ordinary citizens—to save the lives of our people.

Today we thank our colleagues because it is good news that they stood by us in a bipartisan way to help the people of our State. The vote is good news at the close of a week that has brought so much heartbreak to our State. This was, as I said, the most heavily traveled bridge in our State, and our people and our businesses depend on it.

Today in the Senate, as well as in the House of Representatives, the Congress voted to give us the opportunity to access the funds we are going to need to repair this bridge.

There was also a focus on transit money, which is so important. The day we got into Minnesota, only 12 hours after this happened, our State had already put on 25 extra buses. They had billboards showing people the routes to go. It was an absolutely extraordinary effort. They were prepared. But I don't think anyone, in any State, can ever be prepared for a tragedy such as this.

I thank all my colleagues at the close of a very long week for their words of support. Our thoughts and our prayers are with the victims and with their families. Today, the Congress stood tall and proud and came immediately to their aid.

Mr. President, I yield the floor to my colleague from Minnesota.

Mr. COLEMAN. Mr. President, my colleague from Minnesota has described the spirit of a people confronted with great tragedy. It was horrible to be there by that bridge and see those cars, some in the water, others that had burst on fire—a tractor trailer—to see a school bus on the precipice. I think it had dropped 20 feet. Had it gone a little further to the side, it

would have gone over the edge. Had it gone a little further forward, it would have been caught between crashing portions of steel and concrete. Had it gone another distance, it would have been in the water. Yet every one of those 60 kids walked away.

We saw tragedy. There are those who have lost their lives and suffered great pain, but we also saw miracles. We saw the reaction of a community that came together at every level—the first responders, the citizens who came together to jump in the water to try and help folks who were in situations that were hard to understand.

In addition to that, when Senator KLOBUCHAR and I got there early in the morning, we sat in on a briefing with the Governor and the mayor and the first responders, the county commissioners, city council members—some Democrats, some Republicans. It didn't matter.

I sat there as a former mayor remembering what it was like on 9/11, remembering how unprepared we were on 9/11. And after 9/11, as a city, we tried to take stock and recognize that our first responders weren't tied into what was going on at hospitals, and various police and fire from different communities could not communicate. What we did is we went about the process of training and training and training, preparing and preparing and preparing, and it came together. I watched in the city of Minneapolis, and as a former mayor I took pride in the way the people responded.

I think the Nation saw it, I think the world saw it, and it made me proud to represent Minnesota.

I say that because I saw the same spirit in the Senate tonight. The people in Minneapolis have some great needs. My colleague in the House, Congressman OBERSTAR, put forth a plan that would provide authorization to rebuild the bridge. There was also provided some extra money on the table to deal with some very immediate needs.

I was there when the Secretary of Transportation made the pledge that “we are going to be there to help,” and we had some challenges then in moving that forward. There were some technical issues. But what I found along the way was my colleagues on both sides of the aisle simply said, how can we help? How can we get this done? The chairman of the Budget Committee a little while ago discovered there was one minor technical issue. He said, we are going to take care of this.

I got a call today from the director of the Environmental Protection Agency, the Administrator. I got a call yesterday from the head of the SBA. At the scene yesterday we had the head of the Transportation Safety Board. We had the Secretary of Transportation, the highway administrator. They were all there. Everyone had come together. And on the floor of the Senate I saw that tonight, that spirit, and I simply say thank you to my colleagues. On behalf of the people of Minnesota and the