

clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

At 1:28 p.m., a message from the House of Representatives, delivered by Ms. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2085. An act to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes.

H.R. 3505. An act to make various technical and clerical amendments to the Federal securities laws.

H.R. 4253. An act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, (22 U.S.C. 7002) amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader appoints the following members to the United States-China Economic and Security Review Commission: Mr. Peter T.R. Brookes of Virginia (re-appointment) and Mr. Daniel M. Slane of Ohio.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2085. An act to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3505. An act to make various technical and clerical amendments to the Federal securities laws; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes (Rept. No. 110-238).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. OBAMA (for himself, Mr. HAGEL, and Ms. CANTWELL):

S. 2433. A bill to require the President to develop and implement a comprehensive

strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day; to the Committee on Foreign Relations.

By Mr. FEINGOLD:

S. 2434. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 2435. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

By Mrs. DOLE:

S.J. Res. 26. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. AKAKA (for himself and Mr. INHOFE):

S. Res. 395. A resolution expressing the sense of the Senate regarding National Pearl Harbor Remembrance Day; considered and agreed to.

By Mr. CARDIN:

S. Res. 396. A resolution expressing the sense of the Senate that the hanging of nooses for the purpose of intimidation should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. SPECTER, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. STEVENS):

S. Res. 397. A resolution recognizing the 2007-2008 Siemens Competition in Math, Science and Technology and celebrating the first time in the history of the competition that young women have won top honors; considered and agreed to.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 82, a bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes.

S. 215

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 215, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 334

At the request of Mr. WYDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 334, a bill to provide

affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 793

At the request of Mr. KENNEDY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 1204

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1418

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1981

At the request of Mr. REED, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2067

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2086

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2086, a bill to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP) and for other purposes.

S. 2108

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2108, a bill to establish a public education and awareness program relating to emergency contraception.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2313

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2313, a bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance.

S. 2408

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Florida (Mr. NELSON) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. CON. RES. 44

At the request of Mr. OBAMA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 44, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Rosa Louise McCauley Parks.

AMENDMENT NO. 3639

At the request of Mr. HARKIN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3639 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 2434. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased to introduce the Computer Trespass Clarification Act of 2007, which would amend and clarify section 217 of the USA PATRIOT Act. This bill is virtually identical to a bill I introduced in the 109th Congress.

Section 217 of the Patriot Act addresses the interception of computer trespass communications. This bill would modify existing law to more accurately reflect the intent of the provi-

sion, and also protect against invasions of privacy.

Section 217 was designed to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. The original Department of Justice draft of the bill that later became the Patriot Act included this provision. A section by section analysis provided by the Department on September 19, 2001, stated the following:

Current law may not allow victims of computer trespassing to request law enforcement assistance in monitoring unauthorized attacks as they occur. Because service providers often lack the expertise, equipment, or financial resources required to monitor attacks themselves as permitted under current law, they often have no way to exercise their rights to protect themselves from unauthorized attackers. Moreover, such attackers can target critical infrastructures and engage in cyberterrorism. To correct this problem, and help to protect national security, the proposed amendments to the wiretap statute would allow victims of computer attacks to authorize persons "acting under color of law" to monitor trespassers on their computer systems in a narrow class of cases.

I strongly supported the goal of giving computer system owners the ability to call in law enforcement to help defend themselves against hacking. Including such a provision in the Patriot Act made a lot of sense. Unfortunately, the drafters of the provision made it much broader than necessary, and refused to amend it at the time we debated the bill in 2001. As a result, the law now gives the government the authority to intercept communications by people using computers owned by others as long as they have engaged in some unauthorized activity on the computer, and the owner gives permission for the computer to be monitored—all without judicial approval.

Only people who have a "contractual relationship" with the owner allowing the use of a computer are exempt from the definition of a computer trespasser under section 217 of the Patriot Act. Many people—for example, college students, patrons of libraries, Internet cafes or airport business lounges, and guests at hotels—use computers owned by others with permission, but without a contractual relationship. They could end up being the subject of Government snooping if the owner of the computer gives permission to law enforcement.

My bill would clarify that a computer trespasser is not someone who has permission to use a computer by the owner or operator of that computer. It would bring the existing computer trespass provision in line with the purpose of section 217 as expressed in the Department of Justice's initial explanation of the provision. Section 217 was intended to target only a narrow class of people: unauthorized cyberhackers. It was not intended to give the government the opportunity to engage in widespread surveillance of computer users without a warrant.

Another problem is that unless criminal charges are brought against

someone as a result of such surveillance, there would never be any notice at all that the surveillance has taken place. The computer owner authorizes the surveillance, and the FBI carries it out.

There is no warrant, no court proceeding, no opportunity even for the subject of the surveillance to challenge the assertion of the owner that some unauthorized use of the computer has occurred.

My bill would modify the computer trespass provision in the following additional ways to protect against abuse, while still maintaining its usefulness in cases of denial of service attacks and other forms of hacking.

First, it would require that the owner or operator of the protected computer authorizing the interception has been subject to "an ongoing pattern of communications activity that threatens the integrity or operation of such computer." In other words, the owner has to be the target of some kind of hacking.

Second, the bill limits the length of warrantless surveillance to 96 hours. This is twice as long as is allowed for an emergency criminal wiretap. With four days of surveillance, it should not be difficult for the government to gather sufficient evidence of wrongdoing to obtain a warrant if continued surveillance is necessary.

Finally, the bill would require the Attorney General to report annually on the use of Section 217 to the Senate and House Judiciary Committees. Section 217 was originally subject to the sunset provision in the Patriot Act and therefore would have expired at the end of 2005. However, the USA PATRIOT Improvement and Reauthorization Act, which became law in March 2006, made this provision permanent. Congress needs to do more oversight of the use of this provision.

The computer trespass provision now in the law as a result of section 217 of the PATRIOT Act leaves open the potential for significant and unnecessary invasions of privacy. The reasonable and modest changes to the provision contained in this bill preserve the usefulness of the provision for investigations of cyberhacking, but reduce the possibility of government abuse. I urge my colleagues to support the Computer Trespass Clarification Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2434

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Trespass Clarification Act of 2007".

SEC. 2. AMENDMENTS TO TITLE 18.

(a) DEFINITIONS.—Section 2510(21)(B) of title 18, United States Code, is amended by—

(1) inserting "or other" after "contractual"; and