

States to enforce the provisions of this section.

“(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2007.”.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

“TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

“Sec. 801. Definitions.

“Sec. 802. Procedures for implementing statutory defenses.

“Sec. 803. Preemption.”.

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) 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 striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) 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 reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign In-

telligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not 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)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 704 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order en-

tered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 398—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF JOE NUXHALL, BROADCASTER FOR THE CINCINNATI REDS

Mr. BROWN submitted the following resolution; which was considered and agreed to:

S. RES. 398

Whereas Joe Nuxhall was born on July 30th, 1928 in Hamilton, Ohio.

Whereas on June 10th, 1944 at the age of 15 years, 10 months, and 11 days Joe Nuxhall became the youngest player in the modern era to appear in a major league baseball game.

Whereas Joe Nuxhall earned over 100 victories in his sixteen year major league career and was elected into the Cincinnati Reds Hall of Fame.

Whereas Joe Nuxhall began a radio broadcasting career in 1967 and went on to call over 6,000 games for the Cincinnati Reds.

Whereas Joe Nuxhall had a career spanning over sixty years with the Cincinnati Reds.

Whereas Joe Nuxhall will be remembered for his signature signoff, “This is the Ol’ Lefty Nuxhall rounding third and heading for home.”

Whereas Joe Nuxhall whose voice was synonymous with baseball and the summer for generations of fans across the country.

Whereas Joe Nuxhall was a beloved community leader, philanthropist, husband, father, and advocate for children, public schools, and the elderly.

Whereas Ohio has lost a beloved son and baseball one of its most distinctive voices with the passing of Joe Nuxhall on November 15, 2007.

Resolved, That the Senate honors the life of Joe Nuxhall, baseball legend, dedicated family man, and civic-minded leader.

SENATE RESOLUTION 399—EXPRESSING THE SENSE OF THE SENATE THAT CERTAIN BENCHMARKS MUST BE MET BEFORE CERTAIN RESTRICTIONS AGAINST THE GOVERNMENT OF NORTH KOREA ARE LIFTED, AND THAT THE UNITED STATES GOVERNMENT SHOULD NOT PROVIDE ANY FINANCIAL ASSISTANCE TO NORTH KOREA UNTIL THE SECRETARY OF STATE MAKES CERTAIN CERTIFICATIONS REGARDING THE SUBMISSION OF APPLICATIONS FOR REFUGEE STATUS

Mr. BROWNBACK (for himself, Mr. KYL, Mr. LIEBERMAN, and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 399

Whereas international press reports noted that Iranian officials traveled to North Korea to observe the long and short-range missile tests conducted by the North Korean

regime on July 4, 2006, and this was confirmed by Ambassador Christopher Hill, Assistant Secretary of State for East Asia and the Pacific, during testimony before the Committee on Foreign Relations of the Senate on July 20, 2006;

Whereas international press reports in the summer of 2006 indicated that North Korea was involved in training in guerrilla warfare of Hezbollah cadres who subsequently were involved in operations against Israeli forces in south Lebanon;

Whereas the United Nations Security Council, under the presidency of Japan, unanimously adopted Resolution 1718 on October 14, 2006, "condemning" the nuclear weapon test conducted by North Korea on October 9, 2006, and imposing sanctions on North Korea;

Whereas President George W. Bush stated in November 2006 that: "The transfer of nuclear weapons or material by North Korea to states or non-state entities would be considered a grave threat to the United States, and we would hold North Korea fully accountable for the consequences of such action. . . . It is vital that the nations of this region send a message to North Korea that the proliferation of nuclear technology to hostile regimes or terrorist networks will not be tolerated.";

Whereas Secretary of State Condoleezza Rice stated in October 2006 that "a North Korean decision to try to transfer a nuclear weapon or technologies either to another state or to a non-state actor" would be an "extremely grave" action for which the United States would "hold North Korea accountable"; and

Whereas Congress authoritatively expressed its view, in section 202(b)(2) of the North Korean Human Rights Act of 2004 (Public Law 108-333; 22 U.S.C. 7832(b)(2)), that "United States nonhumanitarian assistance to North Korea shall be contingent on North Korea's substantial progress" on human rights improvements, release of and accounting for abductees, family reunification, reform of North Korea's labor camp system, and the decriminalization of political expression, none of which has occurred: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that restrictions against the Government of North Korea were imposed by reason of a determination of the Secretary of State that the Government of North Korea, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. App. 2405(j)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), and other provisions of law, was a government that has repeatedly provided support for acts of international terrorism;

(2) believes that this designation should remain in effect and should not be lifted unless it can be demonstrated that the Government of North Korea—

(A) is no longer engaged in the illegal transfer of missile or nuclear, biological, or chemical weapons technology, particularly to the Governments of Iran, Syria, or any other country, the government of which the Secretary of State has determined, for purposes of any of the provisions of law specified in paragraph (1), is a government that has repeatedly provided support for acts of international terrorism;

(B) is no longer engaged in training, harboring, supplying, financing, or supporting in any way—

(i) Hamas, Hezbollah, or the Japanese Red Army, or any member of such organizations;

(ii) any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a)

of the Immigration and Nationality Act (8 U.S.C. 1189(a)); and

(iii) any person included on the Annex to Executive Order 13224 (September 23, 2001) and any other person identified under section 1 of that Executive Order whose property and interests in property are blocked by that section (commonly known as a "specially designated global terrorist");

(C) is no longer engaged in the counterfeiting of United States currency "supernotes";

(D) has made inoperable Bureau No. 39 under the North Korean Workers Party headed by Kim Jong Il, which is charged with laundering illicit funds obtained by narcotics trafficking and other criminal activities;

(E) has released United States permanent resident Kim Dong-Shik who, according to the findings of a South Korean court, was abducted by North Korean agents on the Chinese border in January 2000;

(F) has released or fully accounted to the satisfaction of the Government of the United States and the Government of the Republic of Korea for the whereabouts of the 15 Japanese nationals recognized as abduction victims by the National Police Agency (NPA) of Japan;

(G) has released or fully accounted to the satisfaction of the Government of the United States and the Government of the Republic of Korea for the whereabouts of an estimated 600 surviving South Korean prisoners of war, comrades-in-arms of United States and Allied forces, who have been held in North Korea against their will and in violation of the Armistice Agreement since hostilities ended in July 1953; and

(H) has ceased and desisted from engaging in further terrorist activities subsequent to the 1987 bombing of Korean Air Flight 858 over Burma, the 1996 murder in Vladivostok, Russia, of South Korean diplomat Choi Duck-keun, following Pyongyang's threats of retaliation for the deaths of North Korean commandoes whose submarine ran aground in South Korea, and the 1997 assassination on the streets of Seoul of North Korean defector Lee Han Young; and

(3) believes that the United States Government should not provide any financial assistance to North Korea (except for adequately monitored humanitarian assistance in the form of food and medicine) unless the Secretary of State certifies that—

(A) appropriate guidance has been provided to all foreign embassies and consular offices regarding their responsibility under section 303 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7843) to facilitate the submission of applications by citizens of North Korea seeking protection as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157);

(B) such guidance has been published in the Federal Register; and

(C) the facilities described in subparagraph (A) are carrying out the responsibility described in subparagraph (A) in good faith.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3821. Mr. THUNE (for Mr. McCONNELL) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

SA 3822. Mr. THUNE (for Mr. GREGG) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3823. Mr. THUNE (for Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. HARKIN)) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

TEXT OF AMENDMENTS

SA 3821. Mr. THUNE (for Mr. McCONNELL) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

On page 20, line 11, strike "pulse crops,".

On page 23, strike paragraph (14) and redesignate paragraphs (15) through (17) as paragraphs (14) through (16), respectively.

On page 24, line 18, strike "pulse crop or".

On page 26, line 6, strike "pulse crop or".

On page 27, line 17, strike "camelina, or eligible pulse crop" and insert "or camelina".

On page 27, lines 21 and 22, strike "CAMELINA, AND ELIGIBLE PULSE CROPS" and insert "AND CAMELINA".

On page 27, lines 24 and 25, strike "camelina, and eligible pulse crops" and insert "and camelina".

On page 28, line 2, strike "camelina, or pulse crop" and insert "or camelina".

On page 28, line 5, strike "camelina, or pulse crop" and insert "or camelina".

On page 28, lines 8 and 9, strike "camelina, or eligible pulse crop" and insert "or camelina".

Beginning on page 28, line 12, through page 29, line 9, strike "camelina, or pulse crop" each place it appears and insert "or camelina".

On page 29, lines 15 through 19, strike "camelina, and eligible pulse crops" each place it appears and insert "and camelina".

On page 29, line 24, strike "(other than pulse crops)".

On page 35, strike lines 8 through 13.

Beginning on page 49, strike line 19 and all that follows through page 51, line 4, and insert the following:

(a) **LOAN RATES.**—For each of the 2008 through 2012 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, \$2.75 per bushel.

(2) In the case of corn, \$1.95 per bushel.

(3) In the case of grain sorghum, \$1.95 per bushel.

(4) In the case of barley, \$1.85 per bushel.

(5) In the case of oats, \$1.33 per bushel.

(6) In the case of the base quality of upland cotton, \$0.52 per pound.

(7) In the case of extra long staple cotton, \$0.7977 per pound.

(8) In the case of long grain rice, \$6.50 per hundredweight.

(9) In the case of medium grain rice, \$6.50 per hundredweight.

(10) In the case of soybeans, \$5.00 per bushel.

(11) In the case of other oilseeds, \$0.930 per pound.

(12) In the case of dry peas, \$5.40 per hundredweight.

(13) In the case of lentils, \$11.28 per hundredweight.

(14) In the case of small chickpeas, \$7.43 per hundredweight.

(15) In the case of large chickpeas, \$11.28 per hundredweight.

(16) In the case of graded wool, \$1.00 per pound.

(17) In the case of nongraded wool, \$0.40 per pound.