

employee's employment for the purpose described in subsection (a) shall—

- (1) make a reasonable effort to notify the employee's employer of such absence; and
- (2) continue to provide reasonable notifications over the course of such absence.

#### SEC. 04. RIGHT OF ACTION.

(a) **RIGHT OF ACTION.**—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in section 03 may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

- (1) reinstatement of the individual's former employment;
- (2) payment of back wages;
- (3) reinstatement of fringe benefits; and
- (4) if the employment granted seniority rights, reinstatement of seniority rights.

(b) **LIMITATION.**—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in section 03.

#### SEC. 05. STUDY AND REPORT.

(a) **STUDY.**—The Secretary of Labor shall conduct a study on the impact that this title could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(b) **REPORT.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term "appropriate congressional committees" means the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

**SA. 370.** Mr. BOND submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the "9/11 Commission") conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress, including recommending that the committees of Congress that are charged with oversight of the intelligence community be provided with the authority to authorize and appropriate funds for intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The House of Representatives, under the leadership of the Speaker of the House, has implemented structural changes within that body with respect to oversight of intelligence.

(6) The Senate has not passed a resolution that expressly grants and carefully limits the authority of the Select Committee on Intelligence of the Senate to both authorize and appropriate funds for activities carried out by the intelligence community, as recommended by the 9/11 Commission.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform; and

(2) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the Committee, if any, for carrying out such reforms.

**SA. 371.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to be on the table; as follows:

On page 91, between lines 15 and 16, insert the following:

"(f) **EMERGENCY PLANNING FOR THE ELDERLY.**—

"(1) **DEFINITION.**—In this subsection, the term 'emergency' has meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

"(2) **PLANNING.**—

"(A) **IN GENERAL.**—The Secretary shall ensure that any emergency planning program or activity that receives funds under a grant

administered by the Department specifically takes into account the evacuation, transportation, health care needs, and other needs of the elderly in the event of an emergency or major disaster.

"(B) **CONSIDERATIONS.**—In carrying out subparagraph (A), the Secretary shall consider—

"(i) the input of geriatricians and other gerontology experts; and

"(ii) congressional hearing records on emergency planning for the elderly.

"(3) **TRAINING.**—The Secretary shall ensure that any program or activity to train emergency response providers (including law enforcement officers) regarding responding to an emergency or major disaster that receives funds under a grant administered by the Department includes specific training components on the needs of the elderly.

"(4) **EXERCISES.**—The Secretary shall ensure that each exercise designed to prepare for responding to an emergency or major disaster conducted with funds received under a grant administered by the Department includes, as a component of the exercise, responding to the needs of the elderly.

"(5) **EDUCATION.**—The Secretary shall—

"(A) develop consumer education materials specifically designed to assist the elderly in preparing themselves for any sort of emergency; and

"(B) develop and distribute templates to local governments (including emergency management agencies and community-based service providers) that can be tailored to each community.

**SA. 372.** Mr. FEINGOLD (for himself, Mr. CRAIG, Ms. MURKOWSKI, Mr. SPECTER, Mr. SALAZAR, Mr. DURBIN, Mr. SUNUNU, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### TITLE \_\_\_\_ —WARRANTS, ORDERS, AND NATIONAL SECURITY LETTERS

#### SEC. \_\_\_\_ 01. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking "30 days" and inserting "7 days".

#### SEC. \_\_\_\_ 02. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) **FISA.**—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking "a production order" the first place that term appears and inserting "a production order or nondisclosure order"; and

(ii) by striking "Not less than 1 year" and all that follows through the end of the clause; and

(B) in clause (ii), by striking "production order or nondisclosure"; and

(2) in subparagraph (C), by striking clause (ii) and redesignating clause (iii) as clause (ii).

(b) **JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "If, at the time of the petition," and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking "If the recertification that disclosure may" and all that follows through "made in bad faith."

**SEC. — 03. FACTUAL BASIS FOR REQUESTED ORDER.**

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

"(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

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

"(ii) either—

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

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

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

**SEC. — 04. NATIONAL SECURITY LETTER SUNSET.**

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 194) is amended by adding at the end the following:

"(c) OTHER SUNSETS.—

"(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

"(A) Section 2709 of title 18, United States Code.

"(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v).

"(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

"(D) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect."

**NOTICES OF HEARINGS/MEETINGS**

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. KERRY. Mr. President, I would like to inform Members that the Committee will hold a hearing entitled "Small Business Solutions for Combating Climate Change," on Thursday, March 8, 2007 at 10 a.m. in Russell 428A.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, March 6, 2007, at 9:30 a.m. in SH-216, Senate Hart Office Building. The subject of this committee hearing will be "Child Nutrition and the School Setting."

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

**COMMITTEE ON ARMED SERVICES**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 6, at 9:30 a.m., in open session to receive testimony on care, living conditions, and administration of outpatients at Walter Reed Army Medical Center.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, March 6, 2007, at 10:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the Corporate Average Fuel Economy Program.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, 2007, at 2:15 p.m. to hold a business meeting.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, March 6, 2007 at 10 a.m. in SD-430.

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

**COMMITTEE ON THE JUDICIARY**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part II" on Tuesday, March 6, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

*Witness List:*

H.E. "Bud" Cummins, III, Former U.S. Attorney, Eastern District of Arkansas, Little Rock, AR.

David C. Iglesias, Former U.S. Attorney, District of New Mexico, Albuquerque, NM.

Carol Lam, Former U.S. Attorney, Southern District of California, San Diego, CA.

John McKay, Former U.S. Attorney, Western District of Washington, Seattle, WA.

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

**COMMITTEE ON VETERANS' AFFAIRS**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Committee on Veterans' Affairs be authorized to meet during the session of the Senate

on Tuesday, March 6, 2007 at 9:30 a.m. in the Cannon Caucus Room, to hear the legislative presentation of the Veterans of Foreign Wars.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 6, 2007 at 2:30 p.m. to hold a closed hearing.

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

**EXECUTIVE SESSION**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Ryan C. Crocker to be Ambassador to Iraq. This was reported out of the Foreign Relations Committee earlier today. I ask unanimous consent that the nomination be confirmed, a motion to reconsider be laid upon the table, that any statements be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. The Senate will now return to legislative session.

**RELATIVE TO THE DEATH OF THOMAS F. EAGLETON**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 97 submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 97) relative to the death of Thomas F. Eagleton, former United States Senator for the State of Missouri.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon table, and any statements be printed at the appropriate place in the RECORD as if given, with no intervening action or debate.

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

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Thomas F. Eagleton spent his 30-year career in elected office dedicating himself to his country and his home state, representing Missouri in the United States Senate for 18 years;

Whereas Thomas F. Eagleton served in the United States Navy from 1948 until 1949;

Whereas Thomas F. Eagleton, a graduate of Amherst College and Harvard University Law School, launched his political career with his election as St. Louis Circuit Attorney in 1956 and was elected Missouri Attorney General in 1960 and Missouri Lieutenant Governor in 1964;

Whereas Thomas F. Eagleton was elected to the United States Senate in 1968, ultimately serving three terms and leaving an imprint on United States history by co-authoring legislation creating the Pell Grant program to provide youth with higher education assistance, helping to create the National Institute on Aging, and leading the charge to designate 8 federally-protected wilderness areas in southern Missouri;

Whereas Thomas F. Eagleton continued to contribute to his community, state, and nation following his 1986 retirement by practicing law, teaching college courses, writing political commentaries, and encouraging civility in politics;

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Thomas F. Eagleton, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate stands adjourned today, it stand adjourned as a further mark of respect to the memory of the Honorable Thomas F. Eagleton.

#### MEMBERSHIP OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 98.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 98) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed too, the motion to reconsider be laid on the table, and that any statements relating thereto be printed at the appropriate place in the RECORD as if given, with no intervening action or debate.

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

The resolution (S. Res. 98) was agreed to, as follows:

#### S. RES. 98

*Resolved*, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mrs. Feinstein, Mr. Inouye, Mrs. Murray, Mr. Bennett, and Mr. Chambliss.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mrs. Feinstein, Mr. Dodd, Mr. Schumer, Mr. Bennett, and Mr. Stevens.

#### ORDERS FOR WEDNESDAY, MARCH 7, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Wednesday morning, March 7; that on Wednesday following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that the Senate then return to S. 4 and the McCaskill amendment No. 316 and the Collins amendment No. 342 and debate them concurrently until 10 a.m., with the time equally divided and controlled be-

tween Senators McCaskill and COLLINS or their designees, and that no amendments be in order to either amendment prior to the vote; that at 10 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the McCaskill amendment; that upon disposition of that amendment, the Senate vote in relation to the Collins amendment; that there be 2 minutes equally divided between the votes; and that following the second vote, the Senate proceed as a body to the House of Representatives for the joint meeting to hear an address by the King of Jordan; that the Senate then stand in recess subject to the call of the Chair.

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

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate today, and the Republican leader has no business to be brought before the Senate, I ask unanimous consent that the Senate stand adjourned under the provisions of S. Res. 97, as a further mark of respect to our late colleague, former Senator Thomas Eagleton.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, March 7, 2007, at 9:30 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, March 6, 2007:

#### DEPARTMENT OF STATE

RYAN C. CROCKER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE RANK PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.