

Whereas the United States continues to lead the world in its contributions to efforts to end the genocide in Darfur, including by providing more than \$4,500,000,000 since 2004 in response to the Darfur crisis;

Whereas continued failure on the part of the international community to take all steps necessary to generate, deploy, and maintain an effective United Nations-African Union hybrid peacekeeping force will result in the continued loss of life and further degradation of humanitarian infrastructure in Darfur; and

Whereas it would be inexcusable for the international community to allow an authorized peacekeeping mission intended to help bring an end to genocide and its effects to founder or be compromised because of a failure to commit critical elements, such as the 24 helicopters needed to meet the critical mobility capabilities of the United Nations-African Union Mission in Sudan: Now, therefore, be it

Resolved, That the Senate—

(1) urges the members of the international community, including the United States, that possess the capability to provide the tactical and utility helicopters needed for the United Nations-African Union peacekeeping mission in Darfur to do so as soon as possible; and

(2) urges the President to intervene personally by contacting other heads of state and asking them to contribute the aircraft and crews for the Darfur mission.

Mr. BIDEN. Mr. President, on December 31, the United Nations and the African Union jointly assumed control of the peacekeeping mission in Darfur. But, sadly, little has changed for the people of Darfur.

The United Nations Security Council has authorized over 26,000 peacekeepers, but just over 9,000 are on the ground in Darfur.

The government of Sudan has promised to abide by the United Nations resolution, but it continues to obstruct it at almost every turn.

Some of the rebel leaders have begun to join in coalitions with one another, an important step for the peace process, but others continue to prey on civilians and humanitarian aid workers and to threaten peacekeepers.

And the nations of the world had pledged to help end the genocide, but they are falling short where it counts.

U.N. Secretary General Ban Ki-moon reports that no one has stepped up to provide the 24 helicopters that are needed to transport and protect the peacekeepers and to give them the mobility that they need to do their jobs.

That is inexcusable. We cannot allow genocide and suffering to continue because the combined nations of the world cannot find 24 helicopters to help stop it.

That is why today, joined by Senator LUGAR and a number of other colleagues, I have introduced a resolution expressing the Sense of the Senate that the world must not allow this peacekeeping mission to founder because we cannot find 24 suitable aircraft within our vast arsenals.

I recognize that helicopters are expensive vehicles that are in short supply, with wars raging in Afghanistan and Iraq and with peacekeeping missions in the Congo and now being deployed to Chad as well.

But a considerable number of nations possess aerial vehicles with the capabilities that are needed for this mission. Together, we could fill this gap.

The United Nations is seeking 18 utility and 6 tactical helicopters. According to a piece in the Washington Post, the member nations of NATO alone possess over 18,000 helicopters.

Not all of these 18,000 aircraft would be suitable for this mission. NATO reserves are taxed in Afghanistan and elsewhere, but the potential vehicles certainly exist. NATO is not alone in this capability. Other countries could also step up to fill this need.

Secretary General Ban has stated that these vehicles are indispensable. He reports that the United Nations-African Union mission must “be capable of rapid mobility over large distances, especially over terrain where roads are the exception.” Ban also said that “Without the missing helicopters, this mobility—a fundamental requirement for the implementation of the [Security Council’s] mandate—will not be possible.”

Helicopters alone will not save Darfur. The needs there are immense and growing. The United Nations revealed last month that acute malnutrition in the region is rising and surpassing emergency levels in some areas. To make matters worse, the Government of Khartoum is continuing to obstruct deployment of U.N. peacekeepers. They have objected to non-African peacekeepers, such as a team of Norwegian engineers, and they are slowing deployment by denying visas and land permits and denying night flights. Most seriously of all, earlier this month, Sudanese troops opened fire on a clearly marked U.N. convoy, badly injuring a driver.

The world must not allow the Khartoum government to dictate terms to the UN mission. The European Union and United Nations Security Council should, I believe, join the United States in imposing strong economic sanctions on the Sudanese government.

We should also continue to pressure the rebel groups to cease all attacks on civilians and humanitarian workers and engage in a peace process to bring a real solution for the people of Darfur.

We should do all these things and more, but, first and foremost, we should ensure that the United Nations and African Union have the tools that they need to carry out their mission.

The United States has already provided more than \$4.5 billion since 2004 in response to the Darfur crisis. That is an enormous contribution and it should not fall on our shoulders to fill this particular gap in the peacekeeping mission.

That is why I have repeatedly written President Bush asking him to use the powers of persuasion of his office to personally contact other heads of state to ask them to commit the needed vehicles and crews. I have also written the Secretary General of NATO and President Hu of China, asking them to help fill this gap.

Our resolution urges the members of the international community with the necessary assets to contribute the needed vehicles and crews.

Preventing genocide is a global responsibility. Too often the world has failed to keep this commitment, and it has failed Darfur for too long.

We cannot allow the government of Khartoum to block deployment of the 26,000 peacekeepers, but it would perhaps be even more unforgivable if the international community refuses to provide the peacekeepers with the equipment and vehicles that they need. Then we will have done Khartoum’s job for them by obstructing ourselves.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3951. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3930 submitted by Mr. CARDIN (for himself and Ms. MIKULSKI) and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3952. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3901 submitted by Mr. KENNEDY and intended to be proposed to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3953. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3859 submitted by Mr. CARDIN and intended to be proposed to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3954. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3955. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3915 submitted by Mr. FEINGOLD (for himself and Mr. DODD) and intended to be proposed to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3956. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3918 proposed by Mr. REID to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3957. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3932 submitted by Mr. WHITEHOUSE and intended to be proposed to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3958. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3929 submitted by Mr. LEAHY (for himself, Mr. KENNEDY, Mr. MENENDEZ, and Ms. MIKULSKI) and intended to be proposed to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3959. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3903 submitted by Mr. KYL and intended to be proposed to the bill S. 2248, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3951. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3930 submitted by Mr. CARDIN (for himself and Ms. MIKULSKI)

and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "the transitional procedures", and all that follows through "2011." on line 8 and insert the following: "the previous sentence shall have no force or effect."

SA 3952. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3901 submitted by Mr. KENNEDY and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "the transitional procedures", and all that follows through "2010." on line 8 and insert the following: "the previous sentence shall have no force or effect."

SA 3953. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3859 submitted by Mr. CARDIN and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "the transitional procedures", and all that follows through "2011." on line 8 and insert the following: "the previous sentence shall have no force or effect."

SA 3954. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike line 8 and all that follows through the end of the amendment and insert the following:

(C) AUTHORIZATION FOLLOWING ATTACK OR DECLARATION OF WAR.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by—

(1) striking section 111 and inserting the following:

"AUTHORIZATION FOLLOWING ATTACK OR DECLARATION OF WAR

"SEC. 111. Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court order to acquire foreign intelligence information for a period of not longer than 180 days after the date of—

"(1) submission of a certification by the Attorney General to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that there is a grave threat of an imminent attack on the United States;

"(2) an attack on the United States; or

"(3) a declaration of war by the Congress.";

(2) striking section 309 and inserting the following:

"AUTHORIZATION FOLLOWING ATTACK OR DECLARATION OF WAR

"SEC. 309. Notwithstanding any other law, the President, through the Attorney General, may authorize a physical search without a court order to acquire foreign intelligence information for a period of not longer than 180 days after the date of—

"(1) submission of a certification by the Attorney General to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that there is a grave threat of an imminent attack on the United States;

"(2) an attack on the United States; or

"(3) a declaration of war by the Congress.";

and

(3) striking section 404 and inserting the following:

"AUTHORIZATION FOLLOWING ATTACK OR DECLARATION OF WAR

"SEC. 404. Notwithstanding any other law, the President, through the Attorney General, may authorize the use of a pen register or trap and trace device without a court order to acquire foreign intelligence information for a period of not longer than 180 days after the date of—

"(1) submission of a certification by the Attorney General to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that there is a grave threat of an imminent attack on the United States;

"(2) an attack on the United States; or

"(3) a declaration of war by the Congress.".

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2511(2) of title 18, United States Code, is amended—

(A) in paragraph (a), by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the requirements have been met."; and

(B) in paragraph (f), by striking "as defined in section 101 of such Act," and inserting "(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)".

(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—

(A) striking the item relating to section 111 and inserting the following:

"Sec. 111. Authorization following attack or declaration of war.

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.";

(B) striking the item relating to section 309 and inserting the following:

"Sec. 309. Authorization following attack or declaration of war."; and

(C) striking the item relating to section 404 and inserting the following:

"Sec. 404. Authorization following attack or declaration of war.".

SA 3955. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3951 submitted by Mr. FEINGOLD (for himself and Mr. DODD) and intended to be proposed to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act

of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 12 and all that follows through the end of the amendment and insert the following:

"(ii) LIMITATION ON USE OF INFORMATION.—If part or all of an acquisition authorized under subsection (a) is terminated under clause (i)(II), no information obtained or evidence derived from such terminated acquisition concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such terminated acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General, if the information indicates a threat of death or serious bodily harm to any person."

SA 3956. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3918 proposed by Mr. REID to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "1." and insert the following:

SHORT TITLE.

This Act may be cited as the "Permanent Protect America Act of 2008".

TITLE I—REPEAL OF SUNSET OF THE PROTECT AMERICA ACT OF 2007

SEC. 101. REPEAL OF SUNSET OF THE PROTECT AMERICA ACT OF 2007.

Section 6 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking subsection (c).

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term "assistance" means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term "contents" has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term "covered civil action" means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term "electronic communication service provider" means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) **LIMITATIONS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) **REVIEW.**—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) **REVIEW OF CERTIFICATIONS.**—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) **NONDELEGATION.**—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) **CIVIL ACTIONS IN STATE COURT.**—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) **EFFECTIVE DATE AND APPLICATION.**—This section shall apply to any covered civil

action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after title VII the following new title:

“TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

“SEC. 801. DEFINITIONS.

“In this title:

“(1) **ASSISTANCE.**—The term ‘assistance’ means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

“(2) **ATTORNEY GENERAL.**—The term ‘Attorney General’ has the meaning give that term in section 101(g).

“(3) **CONTENTS.**—The term ‘contents’ has the meaning given that term in section 101(n).

“(4) **ELECTRONIC COMMUNICATION SERVICE PROVIDER.**—The term ‘electronic communication service provider’ means—

“(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

“(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

“(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

“(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

“(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

“(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

“(5) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term ‘element of the intelligence community’ means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(6) **PERSON.**—The term ‘person’ means—

“(A) an electronic communication service provider; or

“(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

“(i) an order of the court established under section 103(a) directing such assistance;

“(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

“(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

“(7) **STATE.**—The term ‘State’ means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

“SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

“(a) **REQUIREMENT FOR CERTIFICATION.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dis-

missed, if the Attorney General certifies to the court that—

“(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

“(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

“(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

“(D) the person did not provide the alleged assistance.

“(2) **REVIEW.**—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

“(b) **LIMITATIONS ON DISCLOSURE.**—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

“(1) review such certification in camera and ex parte; and

“(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

“(c) **REMOVAL.**—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

“(d) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

“(e) **APPLICABILITY.**—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.”.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

“SEC. 803. PREEMPTION.

“(a) **IN GENERAL.**—No State shall have authority to—

“(1) conduct an investigation into an electronic communication service provider’s alleged assistance to an element of the intelligence community;

“(2) require through regulation or any other means the disclosure of information about an electronic communication service provider’s alleged assistance to an element of the intelligence community;

“(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

“(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

“(b) **SUITS BY THE UNITED STATES.**—The United States may bring suit to enforce the provisions of this section.

“(c) **JURISDICTION.**—The district courts of the United States shall have jurisdiction over any civil action brought by the United 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 2008.”.

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.) is 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.”.

SA 3957. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3932 submitted by Mr. WHITEHOUSE and intended to be proposed to the amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 8, of the amendment, strike “30” and insert “90”.

SA 3958. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3929 submitted by Mr. LEAHY (for himself, Mr. KENNEDY, Mr. MENENDEZ, and Ms. MIKULSKI) and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike line 4 of page 1 of the amendment and all that follows and insert the following:

(a) **TERRORIST SURVEILLANCE PROGRAM AND PROGRAM DEFINED.**—In this section, the terms “Terrorist Surveillance Program” and “Program” mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007.

(b) **REVIEWS.**—

(1) **REQUIREMENT TO CONDUCT.**—The Inspectors General of the Office of the Director of National Intelligence, the Department of Justice, and the National Security Agency, with respect to the oversight authority and responsibility of each such Inspector General and only with respect to the participation of their respective agencies or departments in the Terrorist Surveillance Program, shall complete, to the extent applicable, a comprehensive review of—

(A) the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures of, and access to, the legal reviews of the Program;

(C) communications with, and participation of, individuals and entities in the private sector related to the Program; and

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program.

(2) **COOPERATION.**—Each Inspector General required to conduct a review under paragraph (1) shall utilize, to the extent practicable and with due regard to the protection of the national security of the United States, and not unnecessarily duplicate or delay, such reviews or audits related to the Program that have been completed or are being

undertaken by any such Inspector General or by any other office of the Executive Branch.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Inspectors General required to conduct a review under subsection (b) shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, to the extent practicable and with due regard to the protection of intelligence sources and methods, a comprehensive report of such reviews that includes any recommendations of any such Inspector General within the oversight authority and responsibility of any such Inspector General.

(2) **FORM.**—The report submitted under paragraph (1) shall be submitted in classified form.

SA 3959. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3903 submitted by Mr. KYL and intended to be proposed to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike “EXCEPTION” and all that follows through line 7 and insert the following: “APPLICATION OF PARAGRAPH (2).—Paragraph (2) shall apply to an acquisition by an electronic, mechanical, or other surveillance device outside the United States only if the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes.”.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled “Holding the Small Business Administration Accountable: Women’s Contracting and Lender Oversight,” on Wednesday, January 30, 2008, at 10 a.m., in room 428A of the Russell Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator INOUE, I ask unanimous consent that floor privileges be granted for the remainder of the 110th Congress to Robin Squellati, a detailee from the U.S. Air Force Nurse Corps who works with his staff on issues pertaining to a number of different issues over which Senator INOUE has some responsibility.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Augustine Ripa, a legal intern in my Judiciary Committee office, be granted floor privileges for the remainder of the Senate’s consideration of the pending FISA legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS AND ORDERS FOR TUESDAY, JANUARY 29, 2008

Mr. ROCKEFELLER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate stand in recess until 8:20 p.m., and that at 8:30 p.m., the Senate proceed as a body to the Hall of the House of Representatives to receive the President’s State of the Union Address; that upon the dissolution of the joint session, the Senate adjourn until 10 a.m., Tuesday, January 29. I further ask that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved, and that there then be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republican leader controlling the first half and the majority leader controlling the final half; that following morning business, the Senate resume consideration of Calendar No. 512, S. 2248, the FISA legislation, and that the Senate stand in recess from 12:30 until 2:15 to allow for the weekly caucus luncheons to meet.

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

RECESS

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:33 p.m., recessed until 8:21 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

Mrs. MURRAY. Madam President, I move to reconsider the vote on which cloture was not invoked on the Rockefeller-Bond substitute amendment and move to lay that motion on the table.

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

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC NO. 110-82.)

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Drew