

“(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

Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

At the conclusion of the joint session of the two Houses and in accordance with the order previously entered, at 10:11 p.m., the Senate adjourned until Tuesday, January 29, 2008, at 10 a.m.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration

of the following nomination and the nomination was confirmed:

Ed Schafer, of North Dakota, to be Secretary of Agriculture.

CONFIRMATION

Executive nomination confirmed by the Senate Monday, January 28, 2008:

DEPARTMENT OF AGRICULTURE

Ed Schafer, of North Dakota, to be Secretary of Agriculture.