

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105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.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, 109, and 110 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 Intelligence 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 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acqui-

sition 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, 109, and 110 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, 109, and 110 of this Act.

(6) EXANT 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 entered 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, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or  
(B) the date that is 90 days after the date of the enactment of this Act.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

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

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BOND. Madam President, again I rise to thank Chairman ROCKEFELLER, the members of the committee on both sides, and our very able staffs for a lot of hard work, particularly by members of the committee but by many Members who are not on the committee, who took their time to learn what the

electronic surveillance capabilities are, to learn what guidelines and protections there are to protect the privacy rights and constitutional rights of American citizens and help us pass this bill.

This is a bill which I hope we will at least, in large part, find the House agreeable to and that we can send it to the President. This has been a very long procedure. The chairman just pointed out that we have been working on this almost a year. We worked very hard after the August recess to come up with a good bill. I know we had some very warmly felt and vigorously argued amendments, but the fact that these would make it difficult for the intelligence community to collect the intelligence necessary to protect our interests, our allies, our troops abroad, and us here at home led a significant bipartisan majority to improve it.

Again, my sincere thanks to the leadership on both sides for allowing us to get to this important measure. We hope we will have a conference report, if necessary, or a measure from the House that we can pass before the end of the week.

So, Madam President, my sincere thanks to Members on both sides and particularly our great staffs on both sides.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS-CONSENT REQUEST—  
S. 2615

Mr. REID. Madam President, as I indicated I would earlier today, I will ask unanimous consent to extend the law that is now in effect. I wish to extend that 15 days to see if we can work out something more with the House.

So I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 571, S. 2615; the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Reserving the right to object, let me just make the point once again that we just passed this bill 68 to 29 in its initial form, which was preserved on the Senate floor. It came out of the Intelligence Committee 13 to 2. This is the Rockefeller-Bond bipartisan, overwhelmingly supported bill coming out of the Senate.

The current law does not expire until Saturday. It is still my hope that the House, and particularly when you consider the fact that 21 House Democrats, so-called Blue Dog Democrats, have indicated to the Speaker in writing that they would like to see the Senate bill passed—the Rockefeller-Bond bill taken up and passed by the House—I think it is just premature for an extension, Madam President. I think there is

still at least a chance the House might conclude that we have done a terrific piece of work, and they could very well consider the option, as the Blue Dogs have suggested, of taking up the measure and sending it on down to the President for signature.

So for the moment, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. I ask unanimous consent to speak as in morning business.

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

#### COMMEMORATING THE 99TH ANNIVERSARY OF THE NAACP

Mr. BROWN. Madam President, 99 years ago today, a group of courageous individuals came together to form the National Association for the Advancement of Colored People.

The year of 1909 was the centennial of Abraham Lincoln's birth. Fewer than 50 years removed from the signing of the Emancipation Proclamation and the carnage of the Civil War, the promise and price of that struggle must have still been fresh on the minds of many Americans.

The "Call for the Lincoln Emancipation Conference in 1909" was designed to take stock of the progress since the end of the Civil War.

The conclusion of the 60 organizers, among them the mayor of Toledo, and the president of Western Reserve University in Cleveland, the conclusion was that Lincoln would have been disheartened by the Nation's failure to secure equality of law and equality of opportunity without respect to color. They faced rampant Jim Crow discrimination, conducted with the blessing of the Supreme Court. The country was plagued by race riots and lynchings in every region, even in Lincoln's hometown of Springfield, IL.

The founders of the NAACP understood that if true equality was to be had, the spirit of the abolitionists must be revived. So long as the North remained silent about the conditions in the South, it was supplying tacit approval.

They wrote:

Discrimination once permitted cannot be bridled. Recent history shows that in forging chains for the Negroes, the white voters are forging chains for themselves.

They met, they organized, and they spoke out. For almost a century the NAACP has led the fight for equality, continually working to ensure political and educational and social and economic equality for persons of all races.

Whether it was the fight to desegregate public schools or to secure equal voting rights or the passing of the 1964 Civil Rights Act, the NAACP has remained at the forefront of the struggle for justice. Even when this body, this Senate, did not do the right thing, the NAACP continued to fight for equal rights and equal opportunity.

This is a struggle that continues today. Discrimination in housing has continued a legacy of segregation in many of our neighborhoods and many of our schools. Discrimination in housing finance has led to disproportionate numbers of African-American and Latino borrowers being stuck with predatory loans that are falling into foreclosure at record rates.

Black young people are more likely than their peers to attend failing schools. A new wave of barriers to voting rights has appeared in the form of vote caging, deceptive practices, and unreasonable voter ID laws. I saw some of those in the 1980s as Ohio Secretary of State. They happened in New Jersey, they happened in Louisiana, they happened in the North, they happened in the South. They are still happening.

African Americans make up about 13 percent of our population but account for over 50 percent of the prison population.

In times such as these, the NAACP is needed more than ever. Fortunately, in my home State of Ohio and across the Nation, NAACP chapters continue their fight for justice and equality. In Lorain, in Mansfield, in Toledo, in Cleveland and Columbus, they continue that fight.

The Ohio NAACP Prison Program is changing the lives and helping to rehabilitate hundreds of inmates. NAACP members across the State are registering voters and run afterschool programs.

The Cincinnati NAACP chapter is holding public forums to foster a better relationship between the community and the police department. Through programs such as these, our communities are stronger, our neighborhoods are stronger, our Nation is stronger.

As a life member of the NAACP, I am proud to support its efforts to protect our rights to increase opportunities for all Americans. As the founders observed 99 years ago, this Government cannot exist half slave and half free any better today than it could in 1861. I hope my colleagues will join me today in commemorating the NAACP's 99th anniversary.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### 199TH ANNIVERSARY OF ABRAHAM LINCOLN'S BIRTH

Mr. DURBIN. Mr. President, in her book "Team of Rivals," Doris Kearns Goodwin tells a story that illustrates the extraordinary, transcendent power of Abraham Lincoln's faith in human freedom and democracy.

It is a story about something that occurred in 1908, 100 years ago. The Russian novelist Leo Tolstoy had been entertaining some Caucasus tribesmen for hours with tales of Alexander the Great, Julius Caesar, and Napoleon. When he finished, a chief stood and asked Tolstoy to speak about the greatest of all heroes, a man who "spoke with a voice of thunder . . . laughed like a sunrise and his deeds were as strong as the rock." Tell them, the chief implored, about Abraham Lincoln.

Tolstoy would later write, "That little incident proves how largely the name of Lincoln is worshipped throughout the world. . . . He was not a great general like Washington or Napoleon; he was not such a skillful statesman as Gladstone or Frederick the Great, but his supremacy expresses itself altogether in his peculiar moral power and in the greatness of his character. "Washington was a typical American. Napoleon was a typical Frenchman. But Lincoln," Tolstoy wrote, "was a humanitarian as broad as the world."

Today marks the 199th anniversary of Abraham Lincoln's birth. This past weekend was also the official opening of a 2-year bicentennial celebration of the Abraham Lincoln Bicentennial. In Harlan County, KY, where Lincoln was born in bitter poverty, Lincoln scholars and admirers gathered to discuss and celebrate Lincoln's life and legacy. This evening in Springfield, IL, the Abraham Lincoln Association will hold its annual meeting to once again reflect on the life of Abraham Lincoln in his hometown.

I express my personal thanks to Judge Tommy Turner who has worked tirelessly with so many dedicated Kentuckians to put together today's kickoff in Harlan County.

First Lady Laura Bush was to have spoken at the kickoff. Unfortunately, the icy weather forced postponement. It will be rescheduled. She will be returning to the Abraham Lincoln Birthplace National Historic Site in Hodgenville, KY.

President Lincoln kept a place in his heart for Kentucky all his life, and there must be a special place for Kentucky in the Lincoln Bicentennial Celebration. I also thank my colleague, Senator Jim Bunning, who is a member of the Abraham Lincoln Bicentennial Commission. I know how hard he worked to make this kickoff a success in his home State.

Over the next 2 years, hundreds of special events and celebrations will be held in cities and towns across America to remind all of us who Lincoln was and what he meant and still means to