

that the documents are relevant to a foreign power or agent of a foreign power. However, these types of records, which do not fall into the “presumptively relevant” category, would be evaluated with a higher degree of scrutiny by a court. The court would determine whether or not the government presented specific and articulable facts to show relevance to an authorized investigation.

With respect to judicial review, current law requires the recipient of a nondisclosure order associated with a §215 order to wait a year before seeking judicial review of the nondisclosure order. Sec. 103 allows a recipient to challenge both the underlying order and any associated nondisclosure order immediately. In addition, the government must notify the recipient of a right to challenge the legality of the production order or nondisclosure order, and the procedure to follow to file such a petition at the time the government serves the §215 order on the recipient. Absent bad faith on the part of the government, current law also allows a certification by a high level official to conclusively defeat a challenge to a nondisclosure order. Sec. 103 eliminates the concept of a “conclusive certification” entirely.

Compliance assessments of minimization procedures pertaining to §215 orders are now facilitated by allowing FISA court judges to review government compliance with minimization procedures associated with specific orders. A request for §215 records cannot be made to a library or bookseller for documentary materials that contain personally identifiable information concerning a patron. None of these elements are present in the current law.

Sec. 104. Sunset Relating to Individual Terrorists as Agents of Foreign Powers. Sec. 104 allows the “Lone Wolf” provision to sunset on December 31, 2009. “Lone Wolf” is not reauthorized.

Sec. 105. Audits. Sec. 105 requires the DOJ Inspector General to audit and submit reports to Congress for 215 tangible thing orders, National Security Letters (NSLs), and FISA pen register/trap and trace orders for all calendar years through 2013.

Sec. 106. Criminal “sneak and peek” searches. Sec. 106 requires the government to seek an extension for delaying notice of the search after seven (7) days, not the current thirty (30) days. Any extension to delay notice granted by a court cannot be longer than 21 days at a time. In addition, any application for extension must be made by the Senate-confirmed United States Attorney for the district seeking the delay. This section also narrows the circumstances under which the government could obtain a “sneak and peek” warrant by eliminating “otherwise seriously jeopardizing an investigation or unduly delaying a trial” as a situation that would permit the issuance of a “sneak and peek” warrant.

Sec. 107. Use of Pen Registers and Trap and Trace Devices under title 18, United States Code. Sec. 107 requires the application for a pen register to contain a statement of specific and articulable facts showing that the information likely to be obtained is relevant to an ongoing criminal investigation. Current law only requires a certification by the applicant.

Sec. 108. Orders for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes. Sec. 108 requires the application for a pen register to contain a statement of specific and articulable facts relied upon by the applicant to justify the belief that the information likely to be obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation. Current law only requires a certification by the applicant. This section also requires the implementation of

minimization procedures for pen registers and trap and trace devices, and allows FISA court judges to assess the government’s compliance with these minimization procedures. These are new requirements.

Sec. 109. Public Reporting on the Foreign Intelligence Surveillance Act. Sec. 109 requires annual public reporting of aggregate numbers of requests for surveillance that also include a breakdown of requests for (a) electronic surveillance, (b) physical searches, (c) orders for tangible things (Section 215 orders), and (d) pen registers. Current law requires only public reporting of the above categories in the aggregate.

Sec. 110. Challenges to Nationwide Orders for Electronic Surveillance. Sec. 110 allows a provider of electronic communication service or remote computing service to challenge a subpoena, order, or warrant requiring disclosure of customer communications or records in either the district in which the order was issued or the district in which the order was served.

TITLE 11—NATIONAL SECURITY LETTER REFORM

Sec. 201. Short Title. Sec. 201 indicates that title II shall be cited as the “National Security Letter Reform Act of 2009.”

Sec. 202. Sunset. Section 202 provides a sunset date of December 31, 2013 for national security letters, with the effect of returning the relevant national security letter statutes to read as they read on October 25, 2001.

Sec. 203. National Security Letter defined. Sec. 203 defines “national security letter,” for the purposes of this bill, as a request for information under one of the enumerated provisions of law.

Sec. 204. Modification of Standard. Sec. 204 requires an official with authority to issue a national security letter to document and retain a statement of specific and articulable facts showing that there are reasonable grounds to believe that the information sought pertains to a foreign power or agent of a foreign power. This standard changes the focus of the “relevance” required under current law from “authorized investigation” to “foreign power or agent of a foreign power.” In addition, current law does not directly couple the relevance standard with “specific and articulable” facts as support for relevance—a more exacting standard for the government to meet. Current law also does not require the government to create and maintain a record of such facts at the time the national security letter is issued.

Sec. 205. Notification of Right to Judicial Review of Nondisclosure Order. Sec. 205 requires the government to notify a recipient of a national security letter of (1) a right to judicial review of any nondisclosure requirement imposed in connection with that national security letter and, (2) that the nondisclosure requirement will remain in effect during the pendency of any judicial review proceedings. Current law does not require such notification.

Sec. 206. Disclosure for Law Enforcement Purposes. Sec. 206 requires the Attorney General to authorize the use of any information acquired or derived from a national security letter in a criminal proceeding. Current law does not require such “use authority” for national security letters.

Sec. 207. Judicial Review of National Security Letter Nondisclosure Order. Sec. 207 establishes additional procedures for a recipient to seek judicial review of a nondisclosure requirement imposed in connection with a national security letter. If the recipient wishes to have a court review a nondisclosure requirement, the recipient must notify the government. Not later than thirty days after the receipt of notification, the government must apply for a court order prohibiting the disclosure of information about the

national security letter or the existence of the national security letter. The nondisclosure requirement remains in effect during the pendency of any judicial review proceedings. The government’s application for a nondisclosure order must include a certification from the Attorney General, Deputy Attorney General, or the Director of the FBI (or the head of another agency if not part of DOJ) containing a statement of specific and articulable facts indicating that disclosure may result in a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person. If a court determines that there is reason to believe that disclosure will result in one of the enumerated harms, the court will issue a nondisclosure order for no longer than 180 days. The government can seek renewals of nondisclosure orders for additional periods of no longer than 180 days each. If there comes a time when the facts supporting a nondisclosure order issued by the court cease to exist, the government must promptly notify a recipient who sought judicial review of a nondisclosure order that the nondisclosure is no longer in effect.

Current law neither requires the recipient to formally notify the government if “he” wishes to seek judicial review, nor specifies that the government will initiate such court review by applying for a court order. The government is also not required to notify a recipient who sought judicial review of a nondisclosure if or when such an order would cease to exist based on a change in facts supporting the nondisclosure order. In addition, absent bad faith on the part of the government, current law also allows a certification by a high level government official to conclusively defeat a challenge to a nondisclosure order if the challenge is filed within one year of the request for records. Current law also allows a recertification made by high level officials to be treated as conclusive, unless made in bad faith. Sec. 207 eliminates the concept of a “conclusive certification” entirely. Moreover, this section corrects constitutional defects in the nondisclosure orders pertaining to national security letters as addressed in *Doe v. Mukasey*, 549 F.3d 861 (2nd Cir. 2008).

Sec. 208. Minimization Procedures. Sec. 208 requires the Attorney General to establish minimization and destruction procedures to ensure that information obtained pursuant to a national security letter regarding persons that are no longer of interest in an authorized investigation is destroyed.

A TRIBUTE TO JUANITA THERESA WILLIAMS LEVELL

HON. EDOLPHUS TOWNS—

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Juanita Theresa Williams Levell, an educator in my Congressional District.

As a young woman working and attending college, Juanita met and fell in love with Bryan Lloyd Levell in June of 1960. They were married one year later. Bryan was a New York City Police Officer serving with the 79th Precinct and was one of the first set of officers to serve in the newly created Patrol Brooklyn North. They were blessed with four children, Antoinette Jacobii Levell Brown, twins Adrian

Mary Levell Peart Straker, the late Andrea May Levell Franklin, and one son Bryan James Levell. Mrs. Levell used to say having four children in five years was like having her own classroom. A graduate of the New York City public school system, she completed her undergraduate degree at Brooklyn College and received her Master's degree in Linguistics from Long Island University.

Armed with her faith, a wonderful mother and supportive extended family, Juanita pushed ahead to achieve her goals. She began working in the New York City public school system as a teacher of English as a Second Language commonly known as E.S.L. Juanita was serving in a school that had students from well over 50 countries speaking over 100 languages. She has taught from elementary through high school, as well as adult education. Her participation in conferences, seminars and workshops for over 30 years has kept her current and well qualified in her profession.

Juanita retired in 2008 from her full-time teaching position but continues to work part-time as an English teacher. The connection to her community and her faith has been a steady part of Juanita's life from her work in the church, in school and in her neighborhood. Juanita has been a member of civic and social groups from childhood to the present. She has been active with Cornerstone Baptist Church, the Jewels S.C., NAACP, Alpha Kappa Alpha Sorority Inc.—Delta Rho Omega Chapter, Jack and Jill of America, Inc. (Brooklyn Chapter), American Association of University Women, Verona Place—Macon Street Block Association, United Federation of Teachers, National Council of Negro Women, Brooklyn Historical Society, Schomburg Center for Cultural Learning, Brooklyn College Alumni Association, Association of Blacks in Education—NY, Business and Professional Women's Organization of Cornerstone Baptist Church, Women's Caucus for Congressman Towns, and AARP.

Madam Speaker, I urge my colleagues to join me in recognizing Juanita Theresa Williams Levell.

SALUTING THE MEMORY OF BEN ALI, FOUNDER OF WASHINGTON D.C.'S BEN'S CHILI BOWL

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CLAY. Madam Speaker, I rise today to salute the memory of Ben Ali, founder and owner of Ben's Chili Bowl, a local historical landmark. Dubbed "King of the Half-Smoke" by Washingtonians who flocked to Ben's daily, Mr. Ali died earlier this month at the age of 82.

Ben Ali exemplified the American Dream through his entrepreneurial spirit and endurance. An immigrant from Trinidad, Ben opened his namesake restaurant on August 22, 1958 with the help of his wife, Virginia. In the process, Mr. Ali shaped the city of Washington and its unique U-Street Corridor by serving his trademark chili dishes to generations of diners.

Opened during U Street's heyday as an African American Cultural Mecca, Ben's Chili Bowl has withstood major neighborhood construction projects, national economic shifts,

and the notorious 1968 riots, which ravaged much of the city. During that dark night, Ben's Chili Bowl was one of only two establishments left unscathed.

In the early 1990s, Ben's Chili Bowl stood as an unyielding anchor of the neighborhood's rebirth, and continues to serve dignitaries, celebrities, and local guests alike. All are loyal customers of Ben's Half-Smokes and Chili Cheeseburgers, a personal favorite of mine since 1969.

Ben's Chili Bowl will persist as a Washington institution, a symbol of unity and strength in a city that has seen its share of hard times. Today, a tourist may dine next to an elected official, or a school boy next to his sports hero, as they all gather together for the incomparable experience of enjoying Ben's famous chili.

Madam Speaker, I ask that we honor Ben Ali for his exceptional contributions to our community. The vital role that both he and Ben's Chili Bowl will continue to play in Washington will be his lasting legacy. I ask that my colleagues join me in paying tribute to Mr. Ben Ali.

TRIBUTE TO THE TOWN OF WESTMINSTER ON THE OCCASION OF THE 250TH ANNIVERSARY OF ITS FOUNDING

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. OLVER. Madam Speaker, I rise today to celebrate the founding of Westminster, Massachusetts 250 years ago on October 20, 1759. The following history provided by the Town's 250th Anniversary Committee vividly details a community with a rich cultural heritage and great natural beauty.

Nestled at the foot of Mount Wachusett, the highest mountain in central Massachusetts, Westminster was unsettled territory at the beginning of the 18th century. The land had been designated as payment for soldiers who had fought in King Phillip's War, but for many years no one was interested in leaving the comforts of home to settle in the wilderness. In 1737, however, the descendants of those veterans and others were drawn to the region's bounty and began to settle the region. As the population grew it became a district in 1759 and was given the name of Westminster, a name rooted in traditions of England. Full incorporation of the town came in 1770.

On June 10, 1776 Westminster residents voted to "stand by and support the (Continental Congress) with their lives and fortunes if they should declare independence on the Crown of Great Britain." During the American Revolution, three hundred fifty six Westminster men served either as Minutemen or enlisted soldiers in the American Continental Army.

Water was essential to the early industrial growth of Westminster in the 19th century, beginning with sawmills, gristmills, fulling mills, and tanneries. These industries were followed by the manufacturing of chairs, other furniture, and paper. But when the railroad bypassed the center of town in mid-century, the factories lost their ability to cheaply bring raw materials into town and transport their finished products to the world. Today there is little evidence of these early industries.

In the late 19th and early 20th centuries, residents of Westminster found jobs in neighboring cities. Indeed, it became clear that Westminster now had the strategic advantage of being located on and near major highways that pass through the Commonwealth.

Today, Westminster's cultural heritage and rural, scenic beauty are appreciated by residents and visitors alike. The Westminster Cracker Factory, the longest running cracker bakery in the country, closed in the 1970s but the red clapboard building is a landmark which anchors the east end of Main Street. The town common on top of Academy Hill and the town center are remarkably preserved and greatly contribute to the Town's distinction of having one of the largest National Register Historic Districts in Massachusetts. Visitors of all ages enjoy Westminster—whether by skiing, hiking or viewing the autumn foliage on Mount Wachusett, dining at the Old Mill while watching ducks swimming on the nearby pond, or taking a tour of Wachusett Brewery.

I am very proud to represent this community, which is rich in history, in natural beauty, and in the public spirit of its citizenry. Please join me in congratulating the Town of Westminster as it celebrates its 250th Anniversary.

EL MUSEO DEL BARRIO'S 40TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SERRANO. Madam Speaker, I rise today to recognize a milestone event in the cultural history of New York City. This month, El Museo del Barrio, New York's leading Latino cultural institution, celebrates its 40th Anniversary. There is much to be proud of when we speak of El Museo: the beautiful physical space it now occupies; the extraordinary talent it continues to attract; the superb quality of its collections; and the professionalism and dedication of its staff. But for me what stands out most about El Museo is that it has never stopped growing and evolving. Much like the community in which it makes its home, El Museo continues to reinvent itself for new waves of residents and new generations of New Yorkers.

El Museo del Barrio was founded 40 years ago by Puerto Rican artist and educator Raphael Montañez Ortiz, who gathered together parents, artists, and activists, to address the absence of Puerto Rican and other Latino artists at larger mainstream institutions. Since its founding, El Museo has been dedicated to showcasing Latino culture. Its permanent collection includes over 6,500 objects which span more than 800 years of Latin American, Caribbean, and Latino artistic expression. A wonderfully diverse body of art, this collection includes everything from pre-Columbian Taino artifacts to twentieth-century drawings and paintings, to prints, sculpture, photography and documentary film and video. Located at the corner of Fifth Avenue and E. 104th Street, El Museo is firmly situated on New York's illustrious Museum Mile, but is also far enough uptown to reach into Manhattan's historic El Barrio. Today, more than 100,000 people visit El Museo each year from all backgrounds and walks of life.