

resolution; which was considered and agreed to:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, September 1, or on Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of July 29, 2005, the following reports of committees were submitted on August 31, 2005:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 1295. A bill to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission (Rept. No. 109-122).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1250. A bill to reauthorize the Great Ape Conservation Act of 2000 (Rept. No. 109-123).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1339. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. No. 109-124).

S. 1340. A bill to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment (Rept. No. 109-125).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1415. A bill to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections (Rept. No. 109-126).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 1428. A bill to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes (Rept. No. 109-127).

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 1307, a bill to implement the Dominican Republic-Central America-United States Free Trade Agreement (Rept. No. 109-128).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1317, a bill to provide for the collection and maintenance of

cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplant recipients suitable matched to donors of bone marrow and cord blood (Rept. No. 109-129).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 525. A bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes (Rept. No. 109-130).

S. 1107. A bill to reauthorize the Head Start Act, and for other purposes (Rept. No. 109-131).

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

On Friday, July 29, 2005, the Senate passed H.R. 3199, as amended, as follows:

S. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the “USA PATRIOT Improvement and Reauthorization Act of 2005”.

[(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

[Sec. 1. Short title; table of contents.

[Sec. 2. Patriot section 203; notice to court of disclosure of foreign intelligence information.

[Sec. 3. Patriot section 206; additional requirements for multipoint electronic surveillance under FISA.

[Sec. 4. Patriot section 207; duration of FISA surveillance of non-United States persons.

[Sec. 5. Patriot section 212; enhanced oversight of good-faith emergency disclosures.

[Sec. 6. Patriot section 213; limitations on delayed notice search warrants.

[Sec. 7. Patriot section 214; factual basis for pen register and trap and trace authority under FISA.

[Sec. 8. Patriot section 215; procedural protections for court orders to produce records and other items in intelligence investigations.

[Sec. 9. Patriot section 505; procedural protections for national security letters.

[Sec. 10. Sunset provisions.

[Sec. 11. Enhancement of sunshine provisions.

SECTION 2. PATRIOT SECTION 203; NOTICE TO COURT OF DISCLOSURE OF FOREIGN INTELLIGENCE INFORMATION.

[Section 2517 of title 18, United States Code, is amended by adding at the end the following:

[(9) Within a reasonable time after disclosure is made, pursuant to paragraph (6), (7), or (8), of the contents of any wire, oral, or electronic communication, an attorney for the Government must file, under seal, a notice with the judge that issued the order authorizing or approving the interception of such wire, oral, or electronic communication, stating that such contents or evidence was disclosed and the departments, agencies, or entities to which the disclosure was made.”.

SECTION 3. PATRIOT SECTION 206; ADDITIONAL REQUIREMENTS FOR MULTIPPOINT ELECTRONIC SURVEILLANCE UNDER FISA.

[(a) PARTICULARITY REQUIREMENT.—Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting before the semicolon at the end the following: “, and if the nature and location of each of the facilities or places at which the surveillance will be directed is not known, and if the identity of the target is not known, the order shall include sufficient information to describe a specific target with particularity”.

[(b) ADDITIONAL DIRECTIONS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

[(1) by striking “An order approving an electronic surveillance under this section shall—”;

[(2) in paragraph (1), by inserting before “specify” the following: “SPECIFICATIONS.—An order approving an electronic surveillance under this section shall”;

[(3) in paragraph 1)(F), by striking “; and” and inserting a period;

[(4) in paragraph (2), by inserting before “direct” the following: “DIRECTIONS.—An order approving an electronic surveillance under this section shall”;

[(5) by adding at the end the following:

[(3) SPECIAL DIRECTIONS FOR CERTAIN ORDERS.—An order approving an electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is unknown shall direct the applicant to provide notice to the court within 10 days after the date on which surveillance begins to be directed at any new facility or place of—

[(A) the nature and location of each facility or place at which the electronic surveillance is directed;

[(B) the facts and circumstances relied upon by the applicant to justify the applicant’s belief that each facility or place at which the electronic surveillance is directed is being used, or is about to be used, by the target of the surveillance; and

[(C) a statement of any proposed minimization procedures that differ from those contained in the original application or order, that may be necessitated by a change in the facility or place at which the electronic surveillance is directed.”.

[(c) ENHANCED OVERSIGHT.—

[(1) REPORT TO CONGRESS.—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(1)) is amended by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “Senate Select Committee on Intelligence”.

[(2) MODIFICATION OF SEMIANNUAL REPORT REQUIREMENT ON ACTIVITIES UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Paragraph (2) of section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended to read as follows:

[(2) Each report under the first sentence of paragraph (1) shall include a description of—

[(A) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title where the nature and location of each facility or place at which the electronic surveillance will be directed is not known; and

[(B) each criminal case in which information acquired under this Act has been authorized for use at trial during the period covered by such report.”.