

(1) by striking “No wire or electronic communication service provider” and inserting the following:

“(1) *IN GENERAL.*—No wire or electronic communication service provider”; and

(2) by adding at the end the following:

“(3) *JUDICIAL REVIEW.*—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

“(4) *STANDARD OF REVIEW.*—The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.”

(c) *ENFORCEMENT OF NATIONAL SECURITY LETTERS.*—Section 2709(a) of title 18, United States Code, as amended by subsection (b), is amended by adding at the end the following:

“(3) *ENFORCEMENT OF REQUESTS.*—The Attorney General may seek enforcement of a request under subsection (b) in an appropriate United States district court if a recipient refuses to comply with the request.”

(d) *DISCLOSURE OF INFORMATION.*—

(1) *SECURE PROCEEDINGS.*—Section 2709 of title 18, United States Code, as amended by subsections (b) and (c), is amended—

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

“(4) *SECURE PROCEEDINGS.*—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App)”; and

(B) in subsection (c), by adding at the end the following:

“(4) *SECURE PROCEEDINGS.*—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App).”

(2) *DISCLOSURE TO NECESSARY PERSONS.*—Section 2709(c)(1) of title 18, United States Code, as amended by subsection (b), is amended—

(A) by inserting after “any person” the following: “, except for disclosure to an attorney to obtain legal advice regarding the request or to persons to whom disclosure is necessary in order to comply with the request,”; and

(B) by adding at the end the following: “Any attorney or person whose assistance is necessary to comply with the request who is notified of the request also shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.”

#### SEC. 9. SUNSET PROVISIONS.

(a) *MODIFICATION OF PATRIOT ACT SUNSET PROVISION.*—Section 224(a) of the USA PATRIOT Act (18 U.S.C. 2510 note) is amended to read as follows:

“(a) *IN GENERAL.*—Except as provided in subsection (b), sections 206 and 215, and the amendments made by those sections, shall cease to have effect on December 31, 2009, and any provision of law amended or modified by such sections shall take effect on January 1, 2010, as in effect on the day before the effective date of this Act.”

(b) *EXTENSION OF SUNSET ON “LONE WOLF” PROVISION.*—Subsection (b) of section 6001 of the

Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended to read as follows:

“(b) *SUNSET.*—

“(1) *IN GENERAL.*—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

“(2) *SPECIAL RULE.*—With respect to any particular foreign intelligence investigation that began before the date on which the amendment made by subsection (a) ceases to have effect, section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.”

(c) *REPEAL OF SUNSET PROVISION RELATING TO SECTION 2332B AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.*—Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3762) is amended by striking subsection (g).

(d) *TECHNICAL AMENDMENT.*—Section 1(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 is amended to read as follows:

“(a) *SHORT TITLE.*—This Act may be cited as the ‘Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001’ or the ‘USA PATRIOT Act’.”

#### SEC. 10. ENHANCEMENT OF SUNSHINE PROVISIONS.

(a) *RULES AND PROCEDURES FOR FISA COURTS.*—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

“(e)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

“(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

“(A) All of the judges on the court established pursuant to subsection (a).

“(B) All of the judges on the court of review established pursuant to subsection (b).

“(C) The Chief Justice of the United States.

“(D) The Committee on the Judiciary of the Senate.

“(E) The Select Committee on Intelligence of the Senate.

“(F) The Committee on the Judiciary of the House of Representatives.

“(G) The Permanent Select Committee on Intelligence of the House of Representatives.

“(3) The transmissions required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.”

(b) *ENHANCED CONGRESSIONAL OVERSIGHT OF FISA EMERGENCY AUTHORITIES.*—

(1) *EMERGENCY ELECTRONIC SURVEILLANCE.*—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807), is amended—

(A) in paragraph (a), by striking “and” at the end;

(B) in paragraph (b), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(c) the total number of emergency employments of electronic surveillance under section 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.”

(2) *EMERGENCY PHYSICAL SEARCHES.*—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(A) in the first sentence, by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “the Senate”; and

(B) in the second sentence, by striking “and the Committees on the Judiciary of the House of Representatives and the Senate”;

(C) in paragraph (2), by striking “and” at the end;

(D) in paragraph (3), by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(4) the total number of emergency physical searches authorized by the Attorney General under section 304(e) (50 U.S.C. 1824(e)), and the total number of subsequent orders approving or denying such physical searches.”

(3) *EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.*—Section 406(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846(b)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) the total number of pen registers and trap and trace devices whose installation and use was authorized by the Attorney General on an emergency basis under section 403, and the total number of subsequent orders approving or denying the installation and use of such pen registers and trap and trace devices.”

#### AUTHORITY TO SIGN BILLS AND JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the majority leader, the senior Senator from Mississippi, and the senior Senator from New Mexico be authorized to sign duly enrolled bills or joint resolutions during this adjournment of the Senate.

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

#### ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of S. Con. Res. 51 until 12 noon on Tuesday, September 6, 2005, unless the House has not adopted S. Con. Res. 51, in which case the Senate shall stand adjourned until 4 p.m. on Friday, September 2, 2005.

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

Mr. FRIST. Mr. President, I want to take this final opportunity to thank our colleagues for their assistance in getting this emergency funding considered so quickly. We will be returning to business on Tuesday, and we will be monitoring the situation in all of the affected States as we mentioned tonight—really a much larger region in fact, the whole country—over the next several days.

Our hearts, as has been spelled out and articulated so well by my colleagues, and especially our prayers, go out to the people of those States as we pull together and capture the best of what America represents; that is, the support of, in times of crisis, each other as a nation in order to get through these unanticipated, unprecedented challenges for us.