

the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

**(B) SUBMISSION DATES FOR ASSESSMENT.—**

(i) **CALENDAR YEARS 2007 THROUGH 2009.**—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) **CALENDAR YEARS 2010 AND 2011.**—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 and 2011.

(iii) **CALENDAR YEARS 2012 AND 2013.**—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2012 and 2013.

(5) **PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—**

(A) **NOTICE.**—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) **COMMENTS.**—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) **UNCLASSIFIED FORM.**—Each report submitted under paragraph (3) and any comments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

(d) **DEFINITIONS.**—In this section—

(1) the terms “foreign intelligence information” and “United States person” have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(e) **OFFSET.**—Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

**SEC. 12. DELAYED NOTICE SEARCH WARRANTS.**

Section 3103a(b)(3) of title 18, United States Code, is amended by striking “30 days” and inserting “7 days”.

**SEC. 13. PROCEDURES.**

(a) **IN GENERAL.**—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) **CONSIDERATIONS.**—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) **REVISIONS TO PROCEDURES AND OVERSIGHT.**—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 14. SEVERABILITY.**

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

**SEC. 15. OFFSET.**

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

**SEC. 16. ELECTRONIC SURVEILLANCE.**

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 “with particularity” after “description”.

**SEC. 17. EFFECTIVE DATE.**

The amendments made by sections 4, 5, 6, 7, 8, and 12 shall take effect on the date that is 120 days after the date of enactment of this Act.

**NOTICE OF HEARING**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 26, 2011, at 2:15 p.m. in Room

628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled “In Our Way: Expanding the Success of Native Language & Culture-Based Education.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

**PRIVILEGES OF THE FLOOR**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Dayle Elieson and James Cook, detailees on my Judiciary Committee staff, be granted floor privileges for the remainder of the 112th Congress.

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

**150TH ANNIVERSARY OF THE FOUNDING OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY**

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 195, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 195) commemorating the 150th anniversary of the founding of the Massachusetts Institute of Technology, Cambridge, Massachusetts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 195**

Whereas when the Massachusetts Institute of Technology (referred to in this preamble as “MIT”) was founded by William Barton Rogers, on April 10, 1861, the doors to a powerful new institution for education, discovery, and technological advancement were opened;

Whereas the commitment of MIT to innovation and the entrepreneurial spirit has trained innovators and delivered groundbreaking technologies that have significantly contributed to the fields of computing, molecular biology, sustainable development, biomedicine, new media, energy, and the environment;

Whereas there are an estimated 6,900 companies founded by MIT alumni in the State of Massachusetts alone, which have earned worldwide sales of approximately \$164,000,000,000 and represent 26 percent of total sales made by Massachusetts companies;

Whereas the distinguished living alumni of MIT have founded approximately 25,800 companies that, as of 2011, provide jobs for approximately 3,300,000 people around the world and earn \$2,200,000,000,000 in annual sales;

Whereas MIT has many notable alumni and professors who have contributed to leading research and development efforts, including 76 Nobel Prize recipients and astronauts who have flown more than 1/3 of the manned spaceflights of the United States;

Whereas MIT engineers and researchers have pioneered countless innovations, including the creation of random-access magnetic-core memory (commonly known as "RAM"), which led to the digital revolution, the mapping of the human genome, the creation of GPS navigation technology, and the engineering of the computers that landed Americans on the moon;

Whereas MIT biomedical researchers remain at the forefront of many fields and have contributed years of key advancements, such as the first chemical synthesis of penicillin, the invention of heart stents, and the mapping of molecular defects to produce the first targeted therapies for cancer treatment; and

Whereas MIT has excelled as a world-renowned pioneer that promotes science and engineering education, economic growth, scientific breakthroughs, and technological advancement in the State of Massachusetts and throughout the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 150th anniversary of the founding of the Massachusetts Institute of Technology in Cambridge, Massachusetts; and

(2) honors the outstanding contributions made by the alumni, professors, and staff of the Massachusetts Institute of Technology throughout the past 150 years, including the efforts supported by the Massachusetts Institute of Technology that have spurred the industrial progress of the United States through innovation.

#### MEASURES READ THE FIRST TIME—S. 1050, S.J. RES. 13, S.J. RES. 14

Mr. MANCHIN. Mr. President, I understand there are three measures at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the measures by title for the first time.

The legislative clerk read as follows:

A bill (S. 1050) to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches, and for other purposes.

A joint resolution (S.J. Res. 13) declaring that a state of war exists between the Government of Libya and the Government and the people of the United States, and making provision to prosecute the same.

A joint resolution (S.J. Res. 14) declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

Mr. MANCHIN. Mr. President, I now ask for their second reading and object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The measures will be read for the second time on the next legislative day.

#### APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY BENJAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

Mr. MANCHIN. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Benjamin Netanyahu, Prime Minister of Israel, into the House Chamber for the joint meeting at 11 a.m. on Tuesday, May 24, 2011.

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

#### ORDERS FOR TUESDAY, MAY 24, 2011

Mr. MANCHIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 1038, the PATRIOT Act extension, postcloture, and that any time during tonight's adjournment count postcloture on the motion to proceed to S. 1038.

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

#### PROGRAM

Mr. MANCHIN. Mr. President, there will be a joint meeting of Congress tomorrow at 11 a.m. with Israeli Prime Minister Netanyahu. Senators should gather in the Senate Chamber at 10:30 a.m. to proceed as a body to the Hall of the House of Representatives at 10:40 a.m.

Mr. President, we anticipate additional debate and adoption of the motion to proceed to S. 1038, the PATRIOT Act extension, during Tuesday's session.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANCHIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, May 24, 2011, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF STATE

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION), VICE RAJKUMAR CHELLARAJ, RESIGNED.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

##### NATIONAL SCIENCE FOUNDATION

CLAUDE M. STEELE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE ELIZABETH HOFFMAN, TERM EXPIRED.

##### UNITED STATES PAROLE COMMISSION

CHARLES THOMAS MASSARONE, OF KENTUCKY, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE EDWARD F. REILLY, JR., RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. DAVID A. STICKLEY

##### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. JOHN A. HAMMOND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. JAMES T. WALTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major general*

BRIG. GEN. STEPHEN L. JONES  
BRIG. GEN. RICHARD W. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIGADIER GENERAL MARCIA M. ANDERSON  
BRIGADIER GENERAL WILLIAM G. BEARD  
BRIGADIER GENERAL NIKOLAS P. TOULIATOS  
BRIGADIER GENERAL JIMMIE J. WELLS

*To be brigadier general*

COLONEL MARGARETT E. BARNES  
COLONEL ROBERT D. CARLSON  
COLONEL SCOTTIE D. CARPENTER  
COLONEL ALLAN W. ELLIOTT  
COLONEL THOMAS P. EVANS  
COLONEL JANICE M. HAIGLER  
COLONEL KURT A. HARDIN  
COLONEL KENNETH D. JONES  
COLONEL CHRISTOPHER R. KEMP  
COLONEL MICHAEL A. MANN  
COLONEL JAMES H. MASON  
COLONEL CYNTHIA A. O'CONNELL  
COLONEL ALAN L. STOLTE  
COLONEL GEORGE R. THOMPSON  
COLONEL TRACY A. THOMPSON  
COLONEL KEVIN R. TURNER  
COLONEL BRYAN W. WAMPLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL JOHN W. BAKER  
COLONEL MARGARET W. BURCHAM  
COLONEL RICHARD D. CLARKE, JR.  
COLONEL ROGER L. CLOUTIER, JR.  
COLONEL TIMOTHY R. COFFIN  
COLONEL PEGGY C. COMBS  
COLONEL BRUCE T. CRAWFORD  
COLONEL JASON T. EVANS  
COLONEL STEPHEN E. FARMEN  
COLONEL JOHN G. FERRARI  
COLONEL KIMBERLY FIELD  
COLONEL DUANE A. GAMELE  
COLONEL RYAN F. GONSALVES  
COLONEL WAYNE W. GRIGSBY, JR.  
COLONEL STEVEN R. GROVE  
COLONEL WILLIAM B. HICKMAN  
COLONEL JOHN H. HORT  
COLONEL CHRISTOPHER P. HUGHES  
COLONEL DANIEL P. HUGHES  
COLONEL DANIEL F. KARBLER  
COLONEL RONALD F. LEWIS  
COLONEL JAMES B. LINDER  
COLONEL MICHAEL B. LUNDY  
COLONEL DAVID K. MACEWEN  
COLONEL TODD B. MCCAFFREY  
COLONEL PAUL M. NAKASONE  
COLONEL PAUL A. OSTROWSKI  
COLONEL LAURA J. RICHARDSON  
COLONEL STEVEN E. SHAPIRO  
COLONEL JAMES E. SIMPSON  
COLONEL MARK R. STAMMER