

make clear that there are parts of this amendment to which I would agree. However, the House bill is now before us, which would extend the sunset of the FISA Amendments Act 5 years versus 2½ years in the Leahy Amendment. So, before us is the 5-year authorization period which the House has already passed. We have 4 days before the FISA Amendments Act essentially end. I cannot support that shorter time but I support the 5-year extension.

The part of the amendment of the chairman of the Judiciary Committee that I do agree with is the expanded mission of the inspector general of the Intelligence Community. Since the chairman is now becoming the President in rapid promotion, I will be happy to address my remarks to him.

(The PRESIDENT pro tempore assumed the Chair.)

Mr. President, Mr. Chairman, I want you to know we have spent large amounts of time on the particular issue of Section 702 reporting. For example, the law requires semiannual Attorney General and DNI assessments of section 702. Every 6 months they assess compliance with the targeting and minimization procedures. The law also requires the inspector general of Justice and the IG of every element of the intelligence community authorized to acquire foreign intelligence information to review compliance within Section 702. In addition, the IGs are required to review the number of disseminated intelligence reports containing a reference to a U.S.-person identity and the number of U.S. person identities subsequently disseminated. The law also already requires annual reviews by agency heads of Section 702. It also requires a semiannual Attorney General report on Title VII every 6 months to fully inform the congressional Intelligence and Judiciary Committees. And there is another semiannual report on FISA required for the Attorney General to submit a report to the committees. Finally, there are requirements for the provision of documents relating to significant construction or interpretation of FISA by the FISA Court.

So it is clear that there are many reporting requirements on FISA and specifically section 702. I would also add that the Intelligence Committee has had hearings with the DNI, with Attorney General Holder, with Director of FBI Mueller on how Section 702 is carried out. I will also tell you the Intelligence Committee staff spends countless hours going over the reports in meetings with representatives of the departments. However, I would say to Chairman LEAHY that what I would like to do is look at your amendment and see how it compares to what is currently being done and possibly add some parts of your amendment to our authorization bill next year.

I would urge that we have your staff and the Intelligence Committee staff work together to see what we can do. The real reason to oppose all of this at

this time is that these authorities expire in 4 days. I remember the vote in the Judiciary Committee on this amendment very well. Had the bill come to the floor over the summer, after it passed out of Committee, then we might have had time to convince the House to consider these changes to current law. But here we are where we have a 5-year House bill in front of us and only 4 days to extend the sunset. As I am opposing all amendments, I would respectfully and, not quite sorrowfully but almost, have to oppose your amendment with the caveat I added, Mr. Chairman.

In deference to you and your chairmanship of the Judiciary Committee, the Intelligence Committee staff will work closely with yours to see if there is anything that needs to be added to a future intelligence authorization bill.

I thank you for that and I yield the floor.

The PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, first, I strongly support your amendment, given how little most Members of Congress know about the actual impact of the law. The shorter extension period as envisioned by the distinguished chairman of the Judiciary Committee makes a lot of sense. I also think it makes sense to have the intelligence community inspector general conduct an audit on how FISA Amendment Act authority has been used.

Once again, we have had this discussion about how much everybody already knows about how the FISA Amendments Act affects the operations of this program on law-abiding Americans. I would have to respectfully disagree. I asked Senators, as we touched on this in the course of the afternoon, whether they know if anyone has ever estimated how many U.S. phone calls and e-mails have been warrantlessly collected under this statute?

Senator UDALL and I have asked this very simple question: Has there been an estimate—not whether there is going to be new work, whether they are going to be difficult assignments. We have asked whether there has ever been an estimate of how many U.S. phone calls have been warrantlessly collected under the statute. We were told in writing we were not going to be able to get that information.

I think Senators ought to also ask themselves whether they know if any domestic phone calls and e-mails, what are wholly domestic communications, have been conducted under this statute. I think they will also find they do not know the answer to this question. I think Senators also would want to know whether the Government has ever conducted any warrantless backdoor searches for Americans' communications.

So when we have the argument that has now been advanced several times in the course of the day that we already know so much, we do not need all these amendments, it is just going to delay

passage of the legislation, I urge people—go to my Web site, in particular—to look at what we have learned from the intelligence community, which is the response to request after request, particularly requests of a tripartisan group of Senators asking yes or no questions: Has there been an estimate? For example, how many law abiding Americans have had their communications swept up into these FISA authorities? Our inability to get that answer makes it clear that when one talks about robust oversight under this legislation, the reality is that there is enormous lack of specifics with respect to how this legislation actually works.

I would only say in response to the amendment offered by the Presiding Officer, Senator LEAHY, the chairman of the Judiciary Committee, I think his amendment is very appropriate. Given how little is known, to me it is one of the fundamental pillars of good oversight that we do not grant open-ended kind of authorizations when we lack so much fundamental information about how this program works, particularly how it would affect law-abiding Americans.

With that, I yield back.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDENT pro tempore. The majority leader.

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

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

#### LETTER OF RESIGNATION

Mr. REID. Mr. President, I have in my hands a letter from Brian Schatz, the Lieutenant Governor of the State of Hawaii, and that letter is a resignation letter.

I ask unanimous consent the resignation letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 26, 2012.

Re Resignation as Lieutenant Governor.

Hon. NEIL ABERCROMBIE,  
Governor, State of Hawai'i, State Capitol,  
Honolulu, Hawaii.

DEAR GOVERNOR ABERCROMBIE: Thank you for the confidence you have placed in me today by appointing me to represent Hawaii in the United States Senate by filling the vacancy in the Senate caused by the death of Senator Inouye.

Because of the critical issues facing our nation, I will need to go to Washington, D.C. immediately to assume the duties of the office of United States Senator. In order to ensure that the duties and responsibilities of the Lieutenant Governor are performed for the State of Hawai'i with as little interruption as possible, I hereby tender my resignation as Lieutenant Governor, effective immediately.

Very truly yours,

BRIAN SCHATZ.

## CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment to fill the vacancy created by the death of the late Senator Daniel K. Inouye of Hawaii.

The certificate, the Chair is advised, is in a form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

EXECUTIVE CHAMBERS  
Honolulu

## CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Hawai'i, I, Neil Abercrombie, the governor of said State, do hereby appoint Brian Schatz a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Daniel K. Inouye, is filled by election as provided by law.

Witness: His excellency our governor Neil Abercrombie, and our seal hereto affixed at the Hawai'i State Capitol this 26th day of December, in the year of our Lord 2012.

By the governor:

NEIL ABERCROMBIE,  
Governor.  
BRIAN SCHATZ,  
Lieutenant Governor.

[State Seal Affixed]

## ADMINISTRATION OF THE OATH OF OFFICE

The VICE PRESIDENT. If the Senator-Designee will now present himself at the desk, the Chair will administer the oath of office.

The Senator-Designee, escorted by Mr. AKAKA and Mr. REID, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising)

The PRESIDENT pro tempore. The majority leader.

## WELCOMING SENATOR BRIAN SCHATZ

Mr. REID. Mr. President, on behalf of the entire Senate, I welcome Senator BRIAN SCHATZ to the Senate. I congratulate him on his appointment to fill the seat of the late Senator Dan Inouye who, as we all know, was an institution in and of himself.

Senator SCHATZ is now one of the youngest Senators in this body. Nevertheless, he has a long history of serving the State of Hawaii. Prior to entering politics, Senator SCHATZ served for 8 years as the CEO of Helping Hands Hawaii, one of Hawaii's largest nonprofit social services organizations. He also served four terms in the Hawaii House

of Representatives and served until just a few minutes ago as the Lieutenant Governor of the State of Hawaii.

Having been a Lieutenant Governor he has experience as a legislator, and then as one of the presiding officers of the entire Senate, speaks for itself in helping to prepare for the job he has here. I expect he will build upon the foundation laid by Senator Inouye in the Senate. While no one can fill the shoes of our friend Senator Inouye, BRIAN SCHATZ is a young man with a future full of promise and opportunity.

I ask unanimous consent that the Senator from Hawaii, Mr. AKAKA, now be recognized.

The PRESIDENT pro tempore. The senior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to welcome Hawaii's new Senator, BRIAN SCHATZ. BRIAN is a leader for Hawaii's present and for our future and I welcome him with much aloha pumehana, which means warm love.

I also welcome and congratulate Senator SCHATZ's wife Linda; their children, Tyler and Mia; his twin brother, and Senator SCHATZ's proud parents, Dr. Irwin and Mrs. Barbara Schatz.

Senator SCHATZ arrives in Washington during a sad time as we continue to mourn the loss of our champion, Senator Dan Inouye. Dan Inouye will always be a legend in Hawaii. He will never be replaced.

At Dan Inouye's memorial service in Honolulu this past weekend, I was reminded of how many people he touched in Hawaii and across the country. We must honor his legacy by working together for the people of Hawaii.

I thank BRIAN for volunteering for this incredible responsibility. He only learned of his appointment yesterday and did not have any time to spare, so he hopped on Air Force One and flew straight to Washington to be sworn in today.

We need him here now because we are facing a major challenge, one that regrettably has been created by Congress in our own inability to thus far compromise. The looming spending cuts and tax increases known as the fiscal cliff must be fixed within the next 5 days.

Mahalo—thank you—BRIAN, for accepting this challenge.

I am here to help Senator SCHATZ in any way I can. While there are other talented leaders in Hawaii who stepped forward and who would also have been excellent appointees, I know my colleagues will join me in supporting Senator BRIAN SCHATZ for the good of Hawaii.

Throughout my 36-year career in Congress, the Hawaii delegation has always been unified. We have always put Hawaii first before our individual ambition. We must continue that. Hawaii comes first.

I have followed BRIAN SCHATZ's career for many years. He was an active member of the Hawaii State House of Representatives for 8 years before be-

coming the CEO of Helping Hands Hawaii, a nonprofit organization that provides human services in the islands. As Lieutenant Governor, he has been a big part of our community. He has been an outspoken supporter of our troops and veterans and defender of our environment.

Senator SCHATZ will be a strong progressive voice for Hawaii in the Senate. He will advance freedom and equality. He will be a strong voice on climate change, expanding clean renewable energy, and protecting our precious natural resources. He will defend our Native Hawaiians and all our Nation's first people—those Americans who exercised sovereignty on lands that later became part of the United States. He will uphold the values and priorities of our unique State.

I say to my friend, the new junior Senator from Hawaii, never forget that he is here with the solemn responsibility to do everything he can to represent the people of Hawaii, to make sure their needs are addressed in every policy discussion, and to speak up and seek justice for those who cannot help themselves.

God bless you, Senator SCHATZ. God bless Hawaii. God bless the United States of America.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from Hawaii leaves the floor, we have all come and given speeches—a lot of us, at least—about Senator AKAKA, but we have not had a lot of people on the floor when we have done that.

The presentation just now is typical for DAN AKAKA: never a word about himself, always about somebody else. If the new Senator has Senator AKAKA's qualities—the kindest, gentlest person I have ever served in this body with—it is something for which he should strive. The shoes he has to fill, we all know—AKAKA and Inouye—are significant to fill, but he can do that.

For you, Senator AKAKA—with these people on the floor—we are going to miss you so much. You are a wonderful human being and have been a great Senator.

Mr. AKAKA. I yield the floor, Mr. President.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012—Continued

## COMMENDING THE PRESIDENT PRO TEMPORE

Mr. BLUNT. Mr. President, also on two things that do not relate to my