INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL:

S. 3710. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to establish a career and technical innovation fund; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself and Mr. FRANKEN):

S. 3711. A bill to provide secondary school students with the opportunity to participate in a high-quality internship program as part of a broader districtwide work-based learning program; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3077

At the request of Mr. PORTMAN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. ISAKSON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 3077, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 3659

At the request of Mr. CONRAD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3659, a bill to repeal certain changes to contracts with Medicare Quality Improvement Organizations, and for other purposes.

AMENDMENT NO. 3367

At the request of Mr. MERKLEY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of amendment No. 3367 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3435. Mr. MERKLEY (for himself, Mr. LEE, Mr. COONS, Mr. WYDEN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. TESTER, and Mr. DURBIN) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years.

SA 3436. Mr. PAUL (for himself and Mr. LEE) proposed an amendment to the bill H.R. 5949, supra.

SA 3437. Mr. LEAHY (for himself, Mr. DURBIN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. AKAKA, and Mr. COONS) proposed an amendment to the bill H.R. 5949, supra.

SA 3438. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5949, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3435. Mr. MERKLEY (for himself, Mr. LEE, Mr. COONS, Mr. WYDEN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. TESTER, and Mr. DURBIN) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; as follows:

At the appropriate place, insert the following:

SEC. __. DISCLOSURE OF DECISIONS, ORDERS, AND OPINIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) FINDINGS.—Congress finds the following:

(1) Secret law is inconsistent with democratic governance. In order for the rule of law to prevail, the requirements of the law must be publicly discoverable.

(2) The United States Court of Appeals for the Seventh Circuit stated in 1998 that the ''idea of secret laws is repugnant''.

(3) The open publication of laws and directives is a defining characteristic of government of the United States. The first Congress of the United States mandated that every ''law, order, resolution, and vote [shall] be published in at least three of the public newspapers printed within the United States''.

(4) The practice of withholding decisions of the Foreign Intelligence Surveillance Court is at odds with the United States tradition of open publication of law.

(5) The Foreign Intelligence Surveillance Court acknowledges that such Court has issued legally significant interpretations of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that are not accessible to the public.

(6) The exercise of surveillance authorities under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as interpreted by secret court opinions, potentially implicates the communications of United States persons who are necessarily unaware of such surveillance.

(7) Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861), as amended by section 215 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 287), authorizes the Federal Bureau of Investigation to require the production of ''any tangible things'' and the extent of such authority, as interpreted by secret court opinions, has been concealed from the knowledge and awareness of the people of the United States.

(8) In 2010, the Department of Justice and the Office of the Director of National Intelligence established a process to review and declassify opinions of the Foreign Intelligence Surveillance Court, but more than two years later no declassifications have been made.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of section 501 or section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 and 1881a) should be declassified in a manner consistent with the protection of national security, intelligence sources and methods, and other properly classified and sensitive information.

(c) REQUIREMENT FOR DISCLOSURES.—

(1) SECTION 501.—

(A) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

''(i) DISCLOSURE OF DECISIONS.—

''(1) DECISION DEFINED.—In this subsection, the term 'decision' means any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of this section.

''(2) REQUIREMENT FOR DISCLOSURE.—Subject to paragraphs (3) and (4), the Attorney General shall declassify and make available to the public—

''(A) each decision that is required to be submitted to committees of Congress under section 601(c), not later than 45 days after such opinion is issued; and

''(B) each decision issued prior to the date of the enactment of the _____ Act that was required to be submitted to committees of Congress under section 601(c), not later than 180 days after such date of enactment.

''(3) UNCLASSIFIED SUMMARIES.—Notwithstanding paragraph (2) and subject to paragraph (4), if the Attorney General makes a determination that a decision may not be declassified and made available in a manner that protects the national security of the United States, including methods or sources related to national security, the Attorney General shall release an unclassified summary of such decision.

''(4) UNCLASSIFIED REPORT.—Notwithstanding paragraphs (2) and (3), if the Attorney General makes a determination that any decision may not be declassified under paragraph (2) and an unclassified summary of such decision may not be made available under paragraph (3), the Attorney General shall make available to the public an unclassified report on the status of the internal deliberations and process regarding the declassification by personnel of Executive branch of such decisions. Such report shall include—

''(A) an estimate of the number of decisions that will be declassified at the end of such deliberations; and

''(B) an estimate of the number of decisions that, through a determination by the Attorney General, shall remain classified to protect the national security of the United States.''.

(2) SECTION 702.—Section 702(l) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)) is amended by adding at the end the following:

''(4) DISCLOSURE OF DECISIONS.—

''(A) DECISION DEFINED.—In this paragraph, the term 'decision' means any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of this section.

''(B) REQUIREMENT FOR DISCLOSURE.—Subject to subparagraphs (C) and (D), the Attorney General shall declassify and make available to the public—

''(i) each decision that is required to be submitted to committees of Congress under section 601(c), not later than 45 days after such opinion is issued; and

''(ii) each decision issued prior to the date of the enactment of the _____ Act that was required to be submitted to committees of

Congress under section 601(c), not later than 180 days after such date of enactment.

''(C) UNCLASSIFIED SUMMARIES.—Notwithstanding subparagraph (B) and subject to subparagraph (D), if the Attorney General makes a determination that a decision may not be declassified and made available in a manner that protects the national security of the United States, including methods or sources related to national security, the Attorney General shall release an unclassified summary of such decision.

''(D) UNCLASSIFIED REPORT.—Notwithstanding subparagraphs (B) and (C), if the Attorney General makes a determination that any decision may not be declassified under subparagraph (B) and an unclassified summary of such decision may not be made available under subparagraph (C), the Attorney General shall make available to the public an unclassified report on the status of the internal deliberations and process regarding the declassification by personnel of Executive branch of such decisions. Such report shall include—

''(i) an estimate of the number of decisions that will be declassified at the end of such deliberations; and

''(ii) an estimate of the number of decisions that, through a determination by the Attorney General, shall remain classified to protect the national security of the United States.''.

SA 3436. Mr. PAUL (for himself and Mr. LEE) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; as follows:

At the appropriate place, insert the following:

SEC. _____. FOURTH AMENDMENT PRESERVATION AND PROTECTION ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''Fourth Amendment Preservation and Protection Act of 2012''.

(b) FINDINGS.—Congress finds that the right under the Fourth Amendment to the Constitution of the United States of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures is violated when the Federal Government or a State or local government acquires information voluntarily relinquished by a person to another party for a limited business purpose without the express informed consent of the person to the specific request by the Federal Government or a State or local government or a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(c) DEFINITION.—In this section, the term ''system of records'' means any group of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular associated with the individual.

(d) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Government and a State or local government is prohibited from obtaining or seeking to obtain information relating to an individual or group of individuals held by a third-party in a system of records, and no such information shall be admissible in a criminal prosecution in a court of law.

(2) EXCEPTION.—The Federal Government or a State or local government may obtain, and a court may admit, information relating to an individual held by a third-party in a system of records if—

(A) the individual whose name or identification information the Federal Government or State or local government is using to access the information provides express and informed consent to the search; or

(B) the Federal Government or State or local government obtains a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SA 3437. Mr. LEAHY (for himself, Mr. DURBIN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. AKAKA, and Mr. COONS) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''FAA Sunsets Extension Act of 2012''.

SEC. 2. EXTENSION OF FISA AMENDMENTS ACT OF 2008 SUNSET.

(a) EXTENSION.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110-261; 50 U.S.C. 1881 note) is amended by striking ''December 31, 2012'' and inserting ''June 1, 2015''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 403(b)(2) of such Act (Public Law 110-261; 122 Stat. 2474) is amended by striking ''December 31, 2012'' and inserting ''June 1, 2015''.

(c) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110-261; 50 U.S.C. 1801 note) is amended in the heading by striking ''DECEMBER 31, 2012'' and inserting ''JUNE 1, 2015''.

SEC. 3. INSPECTOR GENERAL REVIEWS.

(a) AGENCY ASSESSMENTS.—Section 702(l)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''authorized to acquire foreign intelligence information under subsection (a)'' and inserting ''with targeting or minimization procedures approved under this section'';

(2) in subparagraph (C), by inserting ''United States persons or'' after ''later determined to be''; and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking ''such review'' and inserting ''review conducted under this paragraph'';

(B) in clause (ii), by striking ''and'' at the end;

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii), the following:

''(iii) the Inspector General of the Intelligence Community; and''.

(b) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—Section 702(l) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—

''(A) IN GENERAL.—The Inspector General of the Intelligence Community is authorized to review the acquisition, use, and dissemination of information acquired under subsection (a) in order to review compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f), and in order to conduct the review required under subparagraph (B).

''(B) MANDATORY REVIEW.—The Inspector General of the Intelligence Community shall review the procedures and guidelines developed by the intelligence community to implement this section, with respect to the protection of the privacy rights of United States persons, including—

''(i) an evaluation of the limitations outlined in subsection (b), the procedures approved in accordance with subsections (d) and (e), and the guidelines adopted in accordance with subsection (f), with respect to the protection of the privacy rights of United States persons; and

''(ii) an evaluation of the circumstances under which the contents of communications acquired under subsection (a) may be searched in order to review the communications of particular United States persons.

''(C) CONSIDERATION OF OTHER REVIEWS AND ASSESSMENTS.—In conducting a review under subparagraph (B), the Inspector General of the Intelligence Community should take into consideration, to the extent relevant and appropriate, any reviews or assessments that have been completed or are being undertaken under this section.

''(D) REPORT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit a report regarding the reviews conducted under this paragraph to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

''(I) the congressional intelligence committees; and

''(II) the Committees on the Judiciary of the House of Representatives and the Senate.

''(E) PUBLIC REPORTING OF FINDINGS AND CONCLUSIONS.—In a manner consistent with the protection of the national security of the United States, and in unclassified form, the Inspector General of the Intelligence Community shall make publicly available a summary of the findings and conclusions of the review conducted under subparagraph (B).''.

SEC. 4. ANNUAL REVIEWS.

Section 702(l)(4)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)(4)(A)), as redesignated by section 3(b)(1), is amended—

(1) in the matter preceding clause (i)—

(A) in the first sentence—

(i) by striking ''conducting an acquisition authorized under subsection (a)'' and inserting ''with targeting or minimization procedures approved under this section''; and

(ii) by striking ''the acquisition'' and inserting ''acquisitions under subsection (a)''; and

(B) in the second sentence, by striking ''The annual review'' and inserting ''As applicable, the annual review''; and

(2) in clause (iii), by inserting ''United States persons or'' after ''later determined to be''.

SA 3438. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; which was ordered to lie on the table.

At the appropriate place, insert the following:

SEC. _. CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS.

Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended—

(1) in subsection (b), by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;

(2) by striking ''An acquisition'' and inserting the following:

''(1) IN GENERAL.—An acquisition''; and

(3) by adding at the end the following:

''(2) CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no officer or employee of the United States may conduct a search of a collection of communications acquired under this section in an effort to find communications of a particular United States person (other than a corporation).

''(B) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—Subparagraph (A) does not apply to a search for communications related to a particular United States person if—

''(i) such United States person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705, or title 18, United States Code, for the effective period of that order;

''(ii) the entity carrying out the search has a reasonable belief that the life or safety of such United States person is threatened and the information is sought for the purpose of assisting that person; or

''(iii) such United States person has consented to the search.''.

MEASURES CONSIDERED EN BLOC

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal naming bills en bloc: H.R. 2338 and H.R. 3892; that the Senate proceed to their consideration and the consideration of the following bills, en bloc, which were received from the House and are at the desk: H.R., 3869, H.R. 4389, H.R. 6260, H.R. 6379, and H.R. 6587.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. SCHUMER. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and that any related statements be printed in the RECORD.

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

The bill (H.R. 2338) to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office,'' the bill (H.R. 3892) to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the ''Lance Corporal Victor A. Dew Post Office,'' the bill (H.R. 3869) to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building,'' the bill (H.R. 4389) to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office,'' the bill (H.R. 6260) to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office,'' the bill (H.R. 6379) to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the ''Representative Curtis B. Inabinett, Sr. Post Office,'' and the bill (H.R. 6587) to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the ''Postal Inspector Terry Asbury Post Office Building,'' were ordered to a third reading, were read the third time, and passed.

KAY BAILEY HUTCHISON SPOUSAL IRA

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3667 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3667) to rename section 219(c) of the Internal Revenue Code of 1986 as the KAY BAILEY HUTCHISON Spousal IRA.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 3667) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3667

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

SECTION 1. KAY BAILEY HUTCHISON SPOUSAL IRA.

The heading of subsection (c) of section 219 of the Internal Revenue Code of 1986 is amended by striking ''SPECIAL RULES FOR CERTAIN MARRIED INDIVIDUALS'' AND INSERTING ''KAY BAILEY HUTCHISON SPOUSAL IRA''.

ORDERS FOR FRIDAY, DECEMBER 28, 2012

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Friday, December 28, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and 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 H.R. 5949, the FISA bill, under the previous order; and that following the disposition of H.R. 5949, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill, under the previous order; and further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for caucus meetings.

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

PROGRAM

Mr. SCHUMER. Mr. President, the first vote tomorrow will be at approximately 9:45 a.m. There will be several rollcall votes beginning at that time in order to complete action on the FISA bill and on the supplemental bill. Additional rollcall votes in relation to executive nominations are possible as well.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SCHUMER. 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 8:47 p.m., adjourned until Friday, December 28, 2012, at 9 a.m.