

III of the Executive Schedule under section 5314 of title 5, United States Code.”; and

(C) in subsection (j)(1), by striking “level V of the Executive Schedule under section 5316” and inserting “level IV of the Executive Schedule under section 5315”.

(2) EFFECTIVE DATE; APPLICABILITY.—

(A) IN GENERAL.—The amendments made by paragraph (1)—

(i) shall take effect on the date of the enactment of this Act; and

(ii) except as provided in paragraph (2), shall apply to any appointment to a position as a member of the Privacy and Civil Liberties Oversight Board made on or after the date of the enactment of this Act.

(B) EXCEPTIONS.—

(i) COMPENSATION CHANGES.—The amendments made by subparagraphs (B)(i) and (C) of paragraph (1) shall take effect on the first day of the first pay period beginning after the date of the enactment of this Act.

(ii) ELECTION TO SERVE FULL TIME BY INCUMBENTS.—

(I) IN GENERAL.—An individual serving as a member of the Privacy and Civil Liberties Oversight Board on the date of the enactment of this Act, including a member continuing to serve as a member under section 1061(h)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(h)(4)(B)), (referred to in this clause as a “current member”) may make an election to—

(aa) serve as a member of the Privacy and Civil Liberties Oversight Board on a full-time basis and in accordance with section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), as amended by this section; or

(bb) serve as a member of the Privacy and Civil Liberties Oversight Board on a part-time basis in accordance with such section 1061, as in effect on the day before the date of the enactment of this Act, including the limitation on service after the expiration of the term of the member under subsection (h)(4)(B) of such section, as in effect on the day before the date of the enactment of this Act.

(II) ELECTION TO SERVE FULL TIME.—A current member making an election under subsection (I)(aa) shall begin serving as a member of the Privacy and Civil Liberties Oversight Board on a full-time basis on the first day of the first pay period beginning not less than 60 days after the date on which the current member makes such election.

(f) MEETINGS.—Subsection (f) of such section is amended—

(1) by striking “The Board shall” and inserting “The Board”;

(2) in paragraph (1) by striking “make its” and inserting “shall make its”; and

(3) in paragraph (2)—

(A) by striking “hold public” and inserting “shall hold public”; and

(B) by inserting before the period at the end the following: “, but may, notwithstanding section 552b of title 5, United States Code, meet or otherwise communicate in any number to confer or deliberate in a manner that is closed to the public”.

(g) PROVISION OF INFORMATION ABOUT GOVERNMENT ACTIVITIES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 TO THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—The Attorney General shall fully inform the Privacy and Civil Liberties Oversight Board about any activities carried out by the Government under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including by providing to the Board—

(1) copies of each detailed report submitted to a committee of Congress under such Act; and

(2) copies of each decision, order, and opinion of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review required to be included in the report under section 601(a) of such Act (50 U.S.C. 1871(a)).

SA 1900. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 139, to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 24, add the following:

SEC. 206. REPEAL OF NONAPPLICABILITY TO FEDERAL BUREAU OF INVESTIGATION OF CERTAIN REPORTING REQUIREMENTS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 603(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873(d)(2)) is amended by striking “(A) FEDERAL BUREAU” and all that follows through “Paragraph (3)(B) of” and inserting “Paragraph (3)(B)”.

SA 1901. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 139, to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, after line 21, add the following:

SEC. 113. LIMITATION ON TECHNICAL ASSISTANCE FROM ELECTRONIC COMMUNICATION SERVICE PROVIDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 702(i)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(i)(1)), as redesignated by section 101(a)(1)(A), is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the right;

(2) by striking “With respect to” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), in carrying out”;

(3) by adding at the end the following:

“(B) LIMITATIONS.—The Attorney General or the Director of National Intelligence may not request assistance from an electronic communication service provider under subparagraph (A) without demonstrating, to the satisfaction of the Court, that the assistance sought—

“(i) is necessary;

“(ii) is narrowly tailored to the surveillance at issue; and

“(iii) would not pose an undue burden on the electronic communication service provider or its customers who are not an intended target of the surveillance.

“(C) COMPLIANCE.—An electronic communication service provider is not obligated to comply with a directive to provide assistance under this paragraph unless—

“(i) such assistance is a manner or method that has been explicitly approved by the Court; and

“(ii) the Court issues an order, which has been delivered to the provider, explicitly describing the assistance to be furnished by the provider that has been approved by the Court.”.

SA 1902. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 139, to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 6 through 22 and insert the following:

SEC. 111. CLARIFICATION REGARDING TREATMENT OF INFORMATION ACQUIRED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) DERIVED DEFINED.—

(1) IN GENERAL.—Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended by adding at the end the following:

“(q) For the purposes of notification provisions of this Act, information or evidence is ‘derived’ from an electronic surveillance, physical search, use of a pen register or trap and trace device, production of tangible things, or acquisition under this Act when the Government would not have originally possessed the information or evidence but for that electronic surveillance, physical search, use of a pen register or trap and trace device, production of tangible things, or acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means.”.

(2) POLICIES AND GUIDANCE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall publish the following:

(i) Policies concerning the application of subsection (q) of section 101 of such Act, as added by paragraph (1).

(ii) Guidance for all members of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) and all Federal agencies with law enforcement responsibilities concerning the application of such subsection.

(B) MODIFICATIONS.—Whenever the Attorney General and the Director modify a policy or guidance published under subparagraph (A), the Attorney General and the Director shall publish such modifications.

(b) USE OF INFORMATION ACQUIRED UNDER TITLE VII.—Section 706 of such Act (50 U.S.C. 1881e) is amended—

(1) in subsection (a), by striking “, except for the purposes of subsection (j) of such section”; and

(2) by amending subsection (b) to read as follows:

“(b) INFORMATION ACQUIRED UNDER SECTIONS 703-705.—Information acquired from an acquisition conducted under section 703, 704, or 705 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for the purposes of section 106.”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ROUNDS. Mr. President, I have 2 requests for committees to meet during

today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, January 16, 2018, at 10 a.m., to conduct a hearing entitled "to examine the domestic and global energy outlook from the perspective of the International Energy Agency".

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, January 16, 2018, at 10 a.m., to conduct a hearing entitled "Oversight of the United States Department of Homeland Security."

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to the provisions of Public Law 114-255, appoints the fol-

lowing individuals to the Health Information Technology Advisory Committee: Valarie R. Grey of New York and Aaron A. Miri of Massachusetts.

MEASURE READ THE FIRST
TIME—S. 2311

Mr. ROUNDS. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 2311) to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Mr. ROUNDS. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY,
JANUARY 17, 2018

Mr. ROUNDS. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 10 a.m., Wednesday, January 17; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume consideration of the motion to concur in the House amendment to accompany S. 139; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the motion to concur.

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

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

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

There being no objection, the Senate, at 7:58 p.m., adjourned until Wednesday, January 17, 2018, at 10 a.m.