

### 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(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(1)) 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