

proceeding under paragraph (1) shall be final and not appealable.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) **REVIEW OF INTERFERENCE DECISIONS.**—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(1) **PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.**—

(1) **IN GENERAL.**—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking “Members of” and all that follows through “such appointments.” and inserting the following: “In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor’s term.”;

(B) by striking paragraph (2) and inserting the following:

“(2) **CHAIR.**—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.”; and

(C) by striking paragraph (3).

(2) **TRANSITION.**—

(A) **IN GENERAL.**—The Secretary of Commerce shall, in the Secretary’s discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) **DEEMED TERMINATION OF TERMS.**—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member’s term would terminate if this Act had not been enacted.

(m) **CLERICAL AMENDMENT.**—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting “of this title” after “For purposes”.

(n) **EFFECTIVE DATE.**—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to proceedings commenced on or after such date of enactment.

UNANIMOUS CONSENT AGREEMENT—H.R. 8

Mr. REID. Mr. President, I ask unanimous consent that at a time to be de-

termined by the majority leader, with the concurrence of the Republican leader, the Senate proceed to the consideration of Calendar No. 502, H.R. 8.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that following leader remarks on Sunday, December 30, the Senate proceed to executive session to consider Calendar No. 518 under the previous order; further, that after the use or yielding back of the time, we proceed to consideration of Calendar No. 909 and proceed to vote on Calendar No. 909 and Calendar No. 518; that there be 2 minutes for debate equally divided in the usual form prior to each vote; that the motions to reconsider be considered made and laid on the table; that there being no intervening action or debate and no further motions be in order to the nomination; that any statements related to the nominations be printed in the RECORD, President Obama be immediately notified of the Senate’s action, and the Senate then resume legislative session.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 475, S. 3454.

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

A bill (S. 3454) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

Mrs. FEINSTEIN. Mr. President, among the unfinished business before the Senate is the consideration of the Intelligence Authorization Act for Fiscal Year 2013. I am asking today for unanimous consent to approve this legislation with a managers’ amendment worked out both with vice chairman CHAMBLISS and the chairman and ranking member of the House Permanent Select Committee on Intelligence, in consultation with the Armed Services and Appropriations Committees.

The Senate Select Committee on Intelligence reported its Fiscal Year 2013 bill, S. 3454, with its accompanying report, S. Rpt. 112-192, on July 30, 2012 by a vote of 14-1. The bill and report have been publicly available since it was reported. The classified annex reported from the Committee was also available for all Senators to review in the Committee’s office.

S. 3454 as reported from our Committee was not without controversy,

especially with regard to provisions in the bill that were meant to address the wholly unacceptable and large-scale disclosures of classified information to the media.

Since the bill was reported out, the Committee has received thoughtful comments from our colleagues, media organizations, and from organizations that advocate for greater governmental transparency. As a result of these comments, and technical suggestions received from the Executive Branch, we have decided to remove ten of the twelve sections in the title of the original bill that addressed unauthorized disclosures of classified information so that we might ensure enactment this year of the important other provisions of the bill.

Unfortunately, I am certain that damaging leaks of classified information will continue, and so the Committee will need to continue to look for acceptable ways to address this problem.

Let me briefly describe the managers’ amendment and where we have made modifications in what was reported from the Committee.

As always, the intelligence authorization bill has two pieces: the legislative text, which is unclassified, and a classified annex that contains the Committee’s authorization of intelligence spending.

The bill contains a number of legislative provisions requested by the Administration to give the intelligence community the authorities and flexibilities it needs to continue protecting the American people and providing policymakers information for foreign policy and security decisions, as well as for the effective and appropriate functioning of our intelligence apparatus.

Among other things, this bill includes:

Repeal of four recurring reporting requirements burdensome to Intelligence Community agencies when the information in such reports is duplicative, or is provided to the Congress through other means. We regularly hear from intelligence officials that they spend so much time writing reports that it interferes with collection, analysis, and management of intelligence activities.

Modification of personnel authorities to facilitate more “joint duty” assignments within the Intelligence Community that will create shared knowledge across different elements of the IC.

These provisions, and several others that are mainly technical in nature, were requested by the director of National Intelligence and incorporated into the bill.

Other sections were initiated by the Committee to assist Congressional oversight efforts. These include, for example, a requirement for corrective action plans to be developed to address