cosponsors of S. 18, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations and for other purposes.

S. 19

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 20

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 21

At the request of Mr. REID, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 21, a bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 34

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 34, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 49

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 49, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 72

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 72, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 75

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 75, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 81

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 167

At the request of Mr. ENSIGN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 167, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. RES. 10

At the request of Mr. UDALL of New Mexico, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 10, a resolution to improve the debate and consideration of legislative matters and nominations in the Senate.

S. RES. 20

At the request of Mr. JOHANNS, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

S. RES. 21

At the request of Mr. MERKLEY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. SANDERS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 21, a resolution to amend the Standing Rules of the Senate to provide procedures for extended debate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. KYL):

S. 188. A bill to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the ''John M. Roll United States Courthouse''; to the Committee on Environment and Public Works.

Mr. MCCAIN. Mr. President, I wish to introduce legislation to name the United States courthouse in Yuma, AZ, the John M. Roll United States Courthouse. Is that legislation at the desk?

The ACTING PRESIDENT pro tempore. The bill will be received.

Mr. MCCAIN. Madam President, I am pleased to introduce legislation, along with Senator KYL, that would designate the soon-to-be-constructed Federal courthouse in Yuma, AZ, to be named in honor of Chief Judge John Roll, who died tragically during the senseless act of violence against Congresswoman GIFFORDS and other Arizonans in Tucson earlier this month. I had the distinct privilege of knowing and working with Chief Judge Roll for many years. In fact, it was my honor to recommend him to President George Herbert Walker Bush for nomination to the Federal bench in 1991. He served with distinction. Most recently, Judge Roll became known by so many in the State of Arizona, the Judicial Conference, and many in Congress as a tireless advocate for the plaintiffs, defendants, and judges in Arizona by working to secure additional funding and resources to assist the court in its heavy caseload.

The morning of the shooting, Judge Roll was in line to speak to Congresswoman GIFFORDS, who was also a friend, about his efforts to have the Ninth Circuit declared a judicial emergency in the District of Arizona. He died doing what he did each and every day: working to guarantee the Federal courts in our State were capable of handling the growing caseload, while ensuring swift justice for all.

Judge Roll exemplified the qualities all Presidents should seek in candidates for the Federal bench: intelligence, humility, integrity, and fidelity to the law. He embodied all these qualities and many more. Additionally, he was known as a kind neighbor, a dedicated father and husband, and a loyal friend. He will now be known also as a hero.

The Arizona Daily Star reported on January 20, 2011:

Surveillance footage of the January 8 shooting campaign in Tucson showed that Judge Roll used his body as a shield to cover the wounded Ron Barber. Roll then took a bullet to the back and lost his life in the process.

''The judge is a hero,'' Pima County sheriff's Bureau Chief Rick Kastigar said.

The article states that the suspected gunman:

. . . shot Barber, Giffords' district director. Almost simultaneously, Roll moved Barber toward the ground and both crawled beneath

a table, Kastigar said. Roll then got on top of Barber.

''Judge Roll is responsible for directing Mr. Barber out of the line of fire and helped save his life,'' Kastigar said.

Barber told the Arizona Daily Star:

That just gives me more admiration for the judge than I ever had. . . . John Roll was a dear, dear man.

Barber and Judge Roll had been friends for many years, dating back to their days as college students at the University of Arizona. Most recently, they worked together with the Arizona congressional delegation to secure funding for a new Federal courthouse in Yuma, AZ, to alleviate the congestion at the Tucson Federal courthouse. In fact, Judge Roll had just reviewed the architectural drawings of the new courthouse weeks before his death and told my office he was very pleased with the design.

It is the hope of myself and Senator KYL and every Member of the Arizona delegation that the architectural designs will soon include the name of Chief Judge John Roll prominently on the building. This esteemed jurist, friend, and hero deserves this honor and much more. Our State has lost a good man, a true and able advocate for justice for all, and a great Arizonan. For this reason, I ask my fellow Senators to join me in passing this legislation to allow the new Yuma Federal courthouse to be proudly known as the John M. Roll United States Courthouse.

Mr. KYL. Mr. President, my State has lost an outstanding jurist, a true and able public servant, and a great Arizonan in Judge John M. Roll. In his honor, my Arizona colleague, Senator MCCAIN, and I propose naming the soon-to-be constructed Yuma Federal courthouse the ''Judge John M. Roll United States Courthouse.''

Judge John Roll was the top proponent for the addition of a new courthouse in Yuma, which is intended to help deal with the vast number of Federal cases in the underserved Yuma sector. He was involved in nearly every aspect of its approval, working tirelessly to overcome the many obstacles that arose during the process and spending countless hours poring over designs and meeting with architects and contractors. Without Judge Roll's energy and enthusiasm the project may not have been accomplished.

We name special places after special people not just to thank them, although we do, but to honor the qualities that make them exceptional and distinct.

I had the privilege and honor of working with Judge John Roll for many years. He was known for his fairness to all who appeared in his courtroom, both plaintiffs and defendants. As chief judge, he was a vigorous advocate, working to guarantee the Federal courts in Arizona were capable of handing their extraordinary caseload. In fact, he died protecting the life of a member of Representative GIFFORD's staff with whom he had just been discussing the need to designate the need for more judges as a judicial emergency.

We are eternally grateful for his many years of public service. I believe naming the courthouse in his honor befits the rich legacy he leaves behind.

I urge my colleagues to support this legislation in honor of my friend Judge John Roll.

By Mr. LEAHY:

S. 193. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, Congress now faces a deadline to take action on the expiring provisions of the USA PATRIOT Act. The bill I introduce today, the USA PATRIOT Act Sunset Extension Act of 2011, will preserve law enforcement techniques that are set to expire on February 28, 2011, and extend them to December 2013. This bill will also promote transparency and expand privacy and civil liberties safeguards in current law. It increases judicial oversight of government surveillance powers that capture information on Americans. This is a package of reforms that all Americans should support. In fact, a bipartisan group of Senators on the Judiciary Committee voted in favor of it in the last Congress.

In the 111th Congress, the Judiciary Committee reported virtually identical legislation, S. 1692, with bipartisan support, including the votes of Senators KYL and CORNYN. Subsequent negotiations produced a package that was endorsed by the Attorney General and the Director of National Intelligence. Because Congress did not act on that negotiated package of reforms, but instead passed an extension of the expiring authorities until February 28, 2011, I took steps to see that key portions of the package were implemented administratively by the Department of Justice.

Even with this progress, enacting the USA PATRIOT Act Sunset Extension Act of 2011 remains imperative for several reasons. First, surveillance authorities are set to expire in a matter of weeks. We should not play politics with national security by delaying debate over these issues until the 11th hour. I am prepared to extend the sunsets on the three expiring provisions to December 2013, the same sunset date I included in S.1692RS, the bill I introduced in the 111th Congress. Earlier this month, a bill was introduced in the House of Representatives to extend the expiring provisions only until February 2012, an expiration date chosen deliberately to try to force a debate over national security in an election year. My bill sets a longer sunset period, which law enforcement strongly favors.

Second, the Senate should pass the USA PATRIOT Act Sunset Extension Act of 2011 to codify the steps forward that the Attorney General has taken by implementing parts of the bill administratively. The reforms adopted by this Attorney General could be undone by a future Attorney General with the stroke of a pen. We must ensure that the progress in accountability and transparency that we achieved last year is not lost simply because it was never written into the statute.

Third, we must enact the parts of the bill that the Attorney General did not or could not adopt because they require a change in the statute. Chief among these is adding a new sunset on National Security Letters. Second is repealing the presumption in favor of the government that a judge must honor when he or she reviews an application for a section 215 order for business records. The government does not need this presumption. In fact, the Attorney General endorsed the repeal of the presumption when he expressed his support for the bill in the prior Congress.

When this bill was considered by the Judiciary Committee in the 111th Congress, it received a bipartisan vote. Members of the committee agreed to continue discussions over a handful of provisions to ensure that the final language promoted transparency, protected civil liberties, and aided law enforcement. I appreciate the votes of Senators KYL and CORNYN in favor of the reported bill. In the weeks following the 2009 markup, this bipartisan group of Senators worked closely with me and Senator FEINSTEIN to reach an agreement on language that each Senator supported, and that the Department of Justice endorsed. In a letter dated November 9, 2009, the Attorney General strongly endorsed the bill and stated unequivocally that the bill did not pose any operational concerns. That support was reaffirmed in a letter from the Attorney General and the Director of National Intelligence to Senate and House leadership on February 19, 2010.

The bill I introduce today is virtually identical to the product of those negotiations. It includes only two noncontroversial updates. First, the new bill updates the deadlines by which the Department of Justice must issue public reports. This modification simply reflects the fact that more than 1 year has passed since the original dates were written into the bill. Second, the section of the bill that previously required the Department of Justice to establish minimization procedures for National Security Letters is redrafted to reflect that fact that the Department adopted such procedures in October 2010. Otherwise, this bill is the same in substance as that which was supported by a bipartisan majority of the Senate Judiciary Committee in 2009.

We must move quickly, in advance of the looming deadline, to pass this bipartisan package. We can preserve the authorities currently in place, which give law enforcement the tools it needs to protect national security. And we can ensure that inspectors general, the

Congress, and the public maintain vigilant oversight of the government, making sure these authorities are used properly and within Constitutional bounds. I urge all Senators to support the USA PATRIOT Act Sunset Extension Act of 2011.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 193

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''USA PATRIOT Act Sunset Extension Act of 2011''.

SEC. 2. SUNSETS.

(a) SECTIONS 206 AND 215 SUNSET.—

(1) IN GENERAL.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''February, 28, 2011'' and inserting '' December 31, 2013''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 3 of this Act, is amended—

(i) in the table of contents in the first section, by striking the items relating to title V and sections 501, 502, and 503 and inserting the following:

''TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES

''Sec. 501. Definitions.

''Sec. 502. Access to certain business records for foreign intelligence and international terrorism investigations.'';

(ii) in title V (50 U.S.C. 1861 et seq.)—

(I) in the title heading, by striking ''AND OTHER TANGIBLE THINGS''; and

(II) by striking section 503; and

(iii) in section 601(a)(1)(D) (50 U.S.C. 1871(a)(1)(D)), by striking ''section 501;'' and inserting ''section 502 or under section 501 pursuant to section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);''.

(B) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2477) is amended by striking the period at the end and inserting '', except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

'' '(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);'.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on December 31, 2013.

(b) INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.—

(1) EXTENSION OF SUNSET.—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note) is amended to read as follows:

''(b) SUNSET.—

''(1) REPEAL.—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

''(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.''.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting ''pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note);''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on December 31, 2013.

(c) NATIONAL SECURITY LETTERS.—

(1) REPEAL.—Effective on December 31, 2013—

(A) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(B) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(C) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), read on October 25, 2001;

(D) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(E) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2013—

(A) section 3511 of title 18, United States Code, is amended—

(i) in subsections (a), (c), and (d), by striking ''or 627(a)'' each place it appears; and

(ii) in subsection (b)(1)(A), as amended by section 6(b) of this Act, by striking ''section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)'' and inserting ''section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)'';

(B) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(i) in subparagraph (C), by adding ''and'' at the end;

(ii) in subparagraph (D), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (E); and

(C) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

SEC. 3. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND TANGIBLE THINGS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by inserting ''**AND OTHER TANGIBLE THINGS**'' after ''**CERTAIN BUSINESS RECORDS**'';

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking ''a statement of facts showing'' and inserting ''a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant''; and

(ii) by striking ''clandestine intelligence activities,'' and all that follows and inserting ''clandestine intelligence activities;''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) if the records sought are the circulation records or patron lists of a library (as defined in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)), a statement of facts showing that there are reasonable grounds to believe that the records sought—

''(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(ii)(I) pertain to a foreign power or an agent of a foreign power;

''(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

''(C) a statement of proposed minimization procedures.''; and

(3) in subsection (c)(1)—

(A) by inserting ''and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)'' after ''subsections (a) and (b)'';

(B) by inserting '', and directing that the minimization procedures be followed'' after ''release of tangible things''; and

(C) by striking the second sentence.

(b) TRANSITION PROCEDURES.—Notwithstanding the amendments made by this Act, an order entered under section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

''SEC. 503. DEFINITIONS.

''In this title, the terms 'Attorney General', 'foreign intelligence information', 'international terrorism', 'person', 'United States', and 'United States person' have the meanings given such terms in section 101.''.

(2) TITLE HEADING.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by inserting ''AND OTHER TANGIBLE THINGS'' after ''CERTAIN BUSINESS RECORDS''.

(3) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(A) by striking the items relating to title V and section 501 and inserting the following:

''TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

''Sec. 501. Access to certain business records and other tangible things for foreign intelligence purposes and international terrorism investigations.''; and

(B) by inserting after the item relating to section 502 the following:

''Sec. 503. Definitions.''.

SEC. 4. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) APPLICATION.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)—

(A) by striking ''a certification by the applicant'' and inserting ''a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) a statement of whether minimization procedures are being proposed and, if so, a statement of the proposed minimization procedures.''.

(b) MINIMIZATION.—

(1) DEFINITION.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

''(4) The term 'minimization procedures' means—

''(A) specific procedures, that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the retention, and prohibit the dissemination, of nonpublicly available information known to concern unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

''(B) procedures that require that nonpublicly available information, which is not foreign intelligence information shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

''(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.''.

(2) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(A) in subsection (d)(1), by striking ''the judge finds'' and all that follows and inserting the following: ''the judge finds—

''(A) that the application satisfies the requirements of this section; and

''(B) that, if there are exceptional circumstances justifying the use of minimization procedures in a particular case, the proposed minimization procedures meet the definition of minimization procedures under this title.''; and

(B) by adding at the end the following:

''(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with any applicable minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.''.

(3) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures be followed, if appropriate.''.

(4) USE OF INFORMATION.—Section 405(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)(1)) is amended by striking ''provisions of this section'' and inserting ''minimization procedures required under this title''.

(c) TRANSITION PROCEDURES.—

(1) ORDERS IN EFFECT.—Notwithstanding the amendments made by this Act, an order entered under section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(2) EXTENSIONS.—A request for an extension of an order referred to in paragraph (1) shall be subject to the requirements of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this Act.

SEC. 5. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that the Director of the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of this title, unless an appropriate official of the Federal Bureau of the Investigation makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a recipient has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request or order;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request or order for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D) PROHIBITION OF CERTAIN DISCLOSURE.—

''(i) PROHIBITION.—

''(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

''(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

''(aa) a danger to the national security of the United States;

''(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(cc) interference with diplomatic relations; or

''(dd) danger to the life or physical safety of any person.

''(ii) EXCEPTION.—

''(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(aa) those persons to whom disclosure is necessary in order to comply with the request;

''(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

''(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(II) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

''(III) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

''(IV) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(iii) RIGHT TO JUDICIAL REVIEW.—

''(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement.

''(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

''(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

''(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.

''(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

''(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the authorized investigative agency described in subsection (a) makes a notification under paragraph (4).

''(4) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

SEC. 6. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''a production order'' and inserting ''a production order or nondisclosure order''; and

(ii) by striking ''Not less than 1 year'' and all that follows; and

(B) in clause (ii), by striking ''production order or nondisclosure''; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

''(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific and articulable facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.

''(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.''.

(c) MINIMIZATION.—Section 501(g)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)(1)) is amended by striking ''Not later than'' and all that follows and inserting ''At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.''.

SEC. 7. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, as amended by this Act, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there

are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking ''FORM OF CERTIFICATION'' and inserting ''CERTIFICATION'';

(2) by striking ''The certification'' and inserting the following:

''(1) FORM OF CERTIFICATION.—The certification''; and

(3) by adding at the end the following:

''(2) WRITTEN STATEMENT.—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subparagraph (A).''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) is amended by adding at the end the following:

''(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained by the authorized investigative agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized inquiry or investigation described in paragraph (3)(A)(ii).''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510(e) of title 18, United States Code, is amended by striking ''section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)),'' and inserting ''section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) and 3414(a)(5)(D)(i)),''.

(2) SEMIANNUAL REPORTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraph (6) as paragraph (4).

SEC. 8. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

''(c) REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'applicable period' means—

''(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the USA PATRIOT Act Sunset Extension Act of 2011 and ending on December 31, 2011; and

''(ii) with respect to the second report submitted under paragraph (2) or (3), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report; and

''(B) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''(2) CLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 436) during the applicable period.

''(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

''(i) the number of authorized requests under the provision, including requests for subscriber information; and

''(ii) the number of authorized requests under the provision—

''(I) that relate to a United States person;

''(II) that relate to a person that is not a United States person;

''(III) that relate to a person that is—

''(aa) the subject of an authorized national security investigation; or

''(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

''(3) UNCLASSIFIED FORM.—

''(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period ending on the last day of the second month before the date for submission of the report. Each report under this subparagraph shall be in unclassified form.

''(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

''(i) that relate to a United States person;

''(ii) that relate to a person that is not a United States person;

''(iii) that relate to a person that is—

''(I) the subject of an authorized national security investigation; or

''(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

''(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).

SEC. 9. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding at the end the following:

''SEC. 602. ANNUAL UNCLASSIFIED REPORT.

''Not later than June 30, 2012, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for the protection of classified information from unauthorized disclosure, shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives an unclassified report summarizing how the authorities under this Act are used, including the impact of the use of the authorities under this Act on the privacy of United States persons (as defined in section 101).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 601 the following:

''Sec. 602. Annual unclassified report.''.

SEC. 10. AUDITS.

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2011'';

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and inserting the following:

''(C) with respect to calendar years 2007 through 2011, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures protect the constitutional rights of United States persons.''; and

(ii) in subparagraph (D), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

''(4) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.'';

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2011, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—

''(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

''(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

''(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

''(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

''(2) SUBMISSION DATES FOR ASSESSMENT.—

''(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

''(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.'';

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by inserting ''and any Inspector General of an element of the intelligence community that submits a report under this section'' after ''Justice''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) and (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)'';

(6) in subsection (f) as redesignated by paragraph (3)—

(A) by striking ''The reports submitted under subsections (c)(1) and (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''; and

(7) by adding at the end the following:

''(g) DEFINITIONS.—In this section—

''(1) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

''(2) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2011''; and

(B) in paragraph (3)(C), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

''(4) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.'';

(3) by striking subsection (g) and inserting the following:

''(h) DEFINITIONS.—In this section—

''(1) the term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a);

''(2) the term 'national security letter' means a request for information under—

''(A) section 2709(a) of title 18, United States Code (to access certain communication service provider records);

''(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

''(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

''(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

''(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

''(3) the term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).'';

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2011, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the intelligence activities of the element of the intelligence community shall—

''(A) examine the use of national security letters by the element of the intelligence community during the period;

''(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the element of the intelligence community, including any improper or illegal use of such authority;

''(C) assess the importance of information received under the national security letters to the intelligence activities of the element of the intelligence community; and

''(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

''(2) SUBMISSION DATES FOR ASSESSMENT.—

''(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

''(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.'';

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by inserting ''and any Inspector General of an element of the intelligence community that submits a report under this section'' after ''Justice''; and

(B) in paragraph (2), by striking ''the reports submitted under subsection (c)(1) or (c)(2)'' and inserting ''any report submitted under subsection (c) or (d)''; and

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking ''The reports submitted under subsections (c)(1) or (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2011.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2007 through 2011;

(B) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 and 2011, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) SUBMISSION DATES.—

(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2007 through 2009.

(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(4) INTELLIGENCE ASSESSMENT.—

(A) IN GENERAL.—For the period beginning January 1, 2007 and ending on December 31, 2011, the Inspector General of any element of the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

(B) SUBMISSION DATES FOR ASSESSMENT.—

(i) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 and 2011.

(5) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(A) NOTICE.—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) UNCLASSIFIED FORM.—Each report submitted under paragraph (3) and any comments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section—

(1) the terms ''foreign intelligence information'' and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 11. DELAYED NOTICE SEARCH WARRANTS.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking ''30 days'' and inserting ''7 days''.

SEC. 12. PROCEDURES.

(a) IN GENERAL.—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) CONSIDERATIONS.—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) REVISIONS TO PROCEDURES AND OVERSIGHT.—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 13. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

SEC. 14. OFFSET.

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, $5,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 15. EFFECTIVE DATE.

The amendments made by sections 3, 4, 5, 6, 7, and 11 shall take effect on the date that is 120 days after the date of enactment of this Act.

By Mr. MCCONNELL (for himself, Mr. COBURN, and Mr. JOHANNS):

S. 194. A bill to reduce Fedeal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 194

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

SECTION 1. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2009.''.

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9014. TERMINATION.

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.''.

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury.''.

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9043. TERMINATION.

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9014. Termination.''.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 195. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, I rise to introduce the Child Support Protection Act of 2011 with my colleagues, Senators CORNYN, KOHL, and SNOWE. This bill continues the long-standing, bipartisan support of Congress for the Child Support Enforcement program, which began with the passage of the authorizing legislation in 1974.

Child support enforcement is a strong partnership between the Federal Government and State governments to help parents provide long-term support for their children. It includes a network of 60,000 dedicated staff serving 17 million children across this country. It provided $24.4 billion to children in 2009. The Congressional Research Service reports that receipt of child support reduces child poverty by nearly 25 percent. The Urban Institute estimates that $4 in child support expenditures reduces spending in other public programs by $5.

So, the Child Support Enforcement program's results are impressive and it is widely recognized as one of the most effective programs operated by the Federal Government. In fact, the program is notable for collecting $4.78 for each dollar of expenditure. It is a true bargain that works well.

Child support programs do much more than just collect money. It works with noncustodial parents who need employment so that they can make regular payments. Child support staff also plays a critical role in times of high unemployment, by processing adjustments to support orders so that noncustodial parents do not fall hopelessly behind.

When Congress passed the Child Support Performance and Incentive Act of 1998, CSPIA, it created an innovative incentive program that rewards efficient, results-oriented child support enforcement efforts. These earned performance incentives must be used for child support activities. One of every four dollars from State expenditures to fund the child support program comes from CSPIA incentives and matched Federal funds. The Deficit Reduction Act, DRA, of 2005 repealed the authority to use the earned performance incentives as a match for Federal funds. The bill we have introduced today reverses the funding reduction imposed by the DRA.

States are using the incentives in a variety of ways. In my State of West Virginia, the incentive dollars are being used to invest in technology to upgrade services and enhance customer service. Thirty States or territories are investing in staff and program operations. Sixteen States are investing in technology, and three others are investing in customer service programs.

The Child Support Protection Act would give States the authority to use earned performance incentives to fund this important work and continue the impressive results that are being achieved. This permanent reversal is critical so that those in State and local government can budget for the future. I urge my colleagues in the Senate to cosponsor this much needed legislation that is not only important to child support enforcement, but our children, their families, and the States.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 201. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleague, Senator KYL, in introducing a bill that would clarify the jurisdiction of the Bureau of Reclamation over program activities associated with the C.C. Cragin Project in northern Arizona. A companion measure is being introduced today in the House by Congressman PAUL GOSAR from Arizona.

Pursuant to the Arizona Water Settlements Act of 2004, AWSA, Congress authorized the Secretary of the Interior to accept from the Salt River Project, SRP, title of the C.C. Cragin Dam and Reservoir for the express use of the Salt River Federal Reclamation Project. While it is clear that Congress intended to transfer jurisdiction of the Cragin Project to the Department of the Interior, and in particular, the Bureau of Reclamation, the lands underlying the Project are technically located within the Coconino National Forest and the Tonto National Forest. This has resulted in a disagreement between the Bureau of Reclamation and the National Forest Service concerning jurisdiction over the operation and management activities of the Cragin Project.

For more than 5 years, SRP and Reclamation have attempted to reach an agreement with the Forest Service that recognizes Reclamation's paramount jurisdiction over the Cragin Project. Unfortunately, the Forest Service maintains that this technical ambiguity under the AWSA implies they have a regulatory role in approving Cragin Project operations and maintenance. This bill represents a negotiated compromise between the agencies and our offices that appropriately clarifies each agency's role with respect to the Dam and the Federal lands surrounding it. A similar bill was introduced during the 111th Congress and was reported with an amendment by the Senate Energy and Natural Resources Committee. The version we are introducing today is identical to the Committee reported bill.

Speedy resolution of this jurisdictional issue is urgently needed in order to address repairs and other operational needs of the Cragin Project, including planning for the future water needs of the City of Payson and other northern Arizona communities. This clarification would simply provide Reclamation with the oversight responsibility that Congress originally intended. I urge my colleagues to support this bill.

By Mr. PAUL (for himself, Mr. DEMINT, and Mr. VITTER):

S. 202. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PAUL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 202

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Reserve Transparency Act of 2011''.

SEC. 2. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed before the end of 2012.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House of Representatives, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after ''in writing.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. ALEXANDER, and Mr. ENSIGN):

S. 206. A bill to reauthorize the DC Opportunity Scholarship Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Scholarships for Opportunity and Results Act—SOAR—which seeks to reauthorize the DC Opportunity Scholarship Program or OSP. And I am proud to be joined by a bipartisan group of Senators in introducing this bill—Senator COLLINS, Senator FEINSTEIN, Senator ALEXANDER and Senator ENSIGN.

The DC Opportunity Scholarship Program offers scholarships to low-income students, especially those from failing schools, to attend private schools where they can get a better education. This program offers District of Columbia students and their families a choice that improves the quality of their education and significantly increases their likelihood of graduating from high school and attending college.

Here in Washington, there are many families who can exercise school choice. They can afford to live in neighborhoods with good schools, they can provide engaging supplemental and afterschool opportunities for their children, or they can choose to send their children to private schools. However, there are many low-income families whose children are trapped in failing schools and do not have those options.

School reformers in Washington, through their hard work and, at times, controversial policies, have begun to make a difference for students in the District of Columbia. I applaud the work of Michelle Rhee and her team in their tireless efforts to make the District's schools better. I am pleased that Mayor Gray has indicated he will continue school reform because there is much more work to do on behalf of Washington's schoolchildren. District of Columbia test scores are on the rise but even so, according to recent National Assessment of Educational Progress data, the District of Columbia, while having one of the highest per pupil expenditures in the country, settles at the bottom of all states in reading and math for both 4th and 8th grade students. District of Columbia schools also have among the lowest graduation rates in the country.

We all know that meaningful and effective change is slow and we still have a long way to go before we can be confident that each student in the District is getting the public education they deserve. Ronald Holassie, a high school student in the OSP, expressed the implications of this well when he said ''public schools in the District did not go bad over night and they won't get better over night.'' Students cannot wait for reforms to take effect in the worst of the District's public schools—they need a good education right now if they are going to be able to fulfill their potential. The Opportunity Scholarships respond to that immediate need.

One of the goals of the OSP is holistic support of the reforms that are helping to improve education in all sectors of education here in the District. Since 2003, Congress has supported a tri-sector approach by appropriating new funds for District public schools, District public charter schools and the Opportunity Scholarship Program. Critics of the OSP argue that it takes away funds from public schools. That is simply not true. The scholarship program was intentionally designed to ensure that any funding for Opportunity Scholarships would not reduce funding for public schools. This legislation will provide additional new money for the District of Columbia's Public Schools, for District of Columbia Public Charter Schools, and for the continuation of the Opportunity Scholarship Program. We have not changed the three part funding design of the initiative.

The SOAR Act also strengthens the existing requirements for all schools participating in the OSP by requiring a valid certificate of occupancy and ensuring that teachers in core subjects have an appropriate college degree. The bill continues to target students from lower income families who are attending those schools most in need of improvement and it increases the tuition amounts slightly to levels consistent with the tuition charged at typical participating schools. The new amounts are still well below the per pupil cost of educating a child in the District of Columbia public schools. While we have kept the income ceiling for entry into the program unchanged, we have increased slightly the income ceiling for those already participating in the program to ensure that parents are not forced to choose between a modest raise in their income and the scholarship.

The most recent study conducted by the Department of Education's Institute of Education Science shows that the offer of an OSP scholarship raised a student's probability of completing high school by twelve percentage points overall. The offer of a scholarship improved the graduation prospects by thirteen percentage points for the high-priority group of students from schools designated ''Schools in Need of Improvement'' and for those students actually using an OSP scholarship the improved graduation rate went up to twenty percentage points. In the District of Columbia, where the graduation rates are among the lowest in the country, this is important data that cannot be overlooked. Overall, parents of OSP students were more satisfied and felt school was safer if their child was offered or used an OSP scholarship.

In a landmark education speech at the outset of his presidency, President Obama promised that Education Secretary Arne Duncan ''will use only one test when deciding what ideas to support . . . : It's not whether an idea is liberal or conservative, but whether it works.'' By that standard, this program should be continued. It is not a Democratic, Republican, or Independent program—it is not a liberal or conservative program—it is a program that puts children first. The Opportunity Scholarship Program works as evidenced by increased graduation rates, higher reading proficiency, and the overwhelming support of District families. I urge Republicans and Democrats to rally behind the OSP program. Last year we had a vote on the bill that received the support of 42 Senators. In this Congress, I will be fighting for another vote and am confident there will be more than 50 votes to reauthorize the program. With these votes and the strong support of Speaker BOEHNER I am hopeful we can give students here in the District the opportunities they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 206

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Scholarships for Opportunity and Results Act of 2011'' or the ''SOAR Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, as well as under other public school choice programs, is inadequate. More educational options are needed to ensure all families in the District of Columbia have access to a quality education. In particular, funds are needed to provide low-income parents with enhanced public opportunities and private educational environments, regardless of whether such environments are secular or nonsecular.

(3) While the per-student cost for students in the public schools of the District of Columbia is one of the highest in the United States, test scores for such students continue to be among the lowest in the Nation. The National Assessment of Educational Progress (NAEP), an annual report released by the National Center for Education Statistics, reported in its 2009 study that students in the District of Columbia were being outperformed by every State in the Nation. On the 2009 NAEP, 56 percent of fourth grade students scored ''below basic'' in reading, and 44 percent scored ''below basic'' in mathematics. Among eighth grade students, 49 percent scored ''below basic'' in reading and 60 percent scored ''below basic'' in mathematics. On the 2009 NAEP reading assessment, only 17 percent of the District of Columbia fourth grade students could read proficiently, while only 13 percent of the eighth grade students scored at the proficient or advanced level.

(4) In 2003, Congress passed the DC School Choice Incentive Act of 2003 (Public Law 108–199, 118 Stat. 126), to provide opportunity scholarships to parents of students in the District of Columbia to enable them to pursue a high quality education at a public or private elementary or secondary school of their choice. The DC opportunity scholarship program (DC OSP) under such Act was part of a comprehensive 3-part funding arrangement that also included additional funds for the District of Columbia public schools, and additional funds for public charter schools of the District of Columbia. The intent of the approach was to ensure that progress would continue to be made to improve public schools and public charter schools, and that funding for the opportunity scholarship program would not lead to a reduction in funding for the District of Columbia public and charter schools. Resources would be available for a variety of educational options that would give families in the District of Columbia a range of choices with regard to the education of their children.

(5) The DC OSP was established in accordance with the U.S. Supreme Court decision, Zelman v. Simmons-Harris, 536 U.S. 639 (2002), which found that a program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(6) Since the inception of the DC OSP, it has consistently been oversubscribed. Parents express strong support for the opportunity scholarship program. Rigorous studies of the program by the Institute of Education Sciences have shown significant improvements in parental satisfaction and in reading scores that are more dramatic when only those students consistently using the scholarships are considered. The program also was found to result in significantly higher graduation rates for DC OSP students.

(7) The DC OSP is a program that offers families in need, in the District of Columbia, important alternatives while public schools are improved. This program should be reauthorized as 1 part of a 3-part comprehensive funding strategy for the District of Columbia school system that provides new and equal funding for public schools, public charter schools, and opportunity scholarships for students to attend private schools.

SEC. 3. PURPOSE.

The purpose of this Act is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in other schools in the District of Columbia, at least until the public schools in the District of Columbia have adequately addressed shortfalls in health, safety, and security, and the students in the District of Columbia public schools are testing in mathematics and reading at or above the national average.

SEC. 4. GENERAL AUTHORITY.

(a) AUTHORITY.—From amounts made available to carry out this section in accordance with section 14(b)(1), the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 5 to carry out a program to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this Act.

(b) DURATION OF GRANTS.—The Secretary shall make grants under this section for a period of not more than 5 years.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding regarding the implementation of the program authorized under subsection (a) and the funding described in paragraphs (2) and (3) of section 14(b).

(2) CONTENTS.—The memorandum of understanding shall address how the Mayor of the District of Columbia will ensure that the public schools and the public charter schools of the District of Columbia comply with all reasonable requests for information as necessary to fulfill the requirements for evaluations conducted under section 9.

(d) SPECIAL RULES.—

(1) USE OF FUNDS.—Notwithstanding any other provision of law, funds appropriated for the DC opportunity scholarship program under the Omnibus Appropriations Act, 2009 (Public Law 111–8, 123 Stat. 654), the Consolidated Appropriations Act of 2010 (Public Law 111–117, 123 Stat. 3181), or any other Act, shall be available until expended and may be used to provide opportunity scholarships under section 7 to new applicants.

(2) REPEAL OF SITE INSPECTION AND REPORTING REQUIREMENTS.—The fourth and fifth provisos under the heading ''Federal Payment for School Improvement'' of title IV of Division C of the Consolidated Appropriations Act of 2010 (Public Law 111–117, 123 Stat. 3182) are repealed. Any unobligated amounts reserved to carry out such provisos shall be made available to an eligible entity for administrative purposes or for opportunity scholarships under a grant under subsection (a), including for opportunity scholarships for new applicants for the 2011–2012 school year.

SEC. 5. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under section 4(a), an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under section 4(a) unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 6;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 6;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities in order to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 7(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will—

(i) seek out private elementary schools and secondary schools in the District of Columbia to participate in the program; and

(ii) ensure that participating schools will meet the reporting and other requirements of this Act, and accommodate site visits in accordance with section 7(a)(4)(D);

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under a grant under section 4(a) effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 9.

SEC. 6. PRIORITIES.

In awarding grants under section 4(a), the Secretary shall give priority to applications from eligible entities that will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) give priority to students whose household includes a sibling or other child who is already participating in the program of the eligible entity under section 4(a), regardless of whether such students have, in the past, been assigned as members of a control study group for the purposes of an evaluation under section 9;

(3) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(4) provide students and families with the widest range of educational options.

SEC. 7. USE OF FUNDS.

(a) OPPORTUNITY SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity receiving a grant under section 4(a) shall use the grant funds to provide eligible students with opportunity scholarships to pay the tuition, fees, and transportation expenses, if any, to enable the eligible students to attend the District of Columbia private elementary school or secondary school of their choice beginning in school year 2011–2012. Each such eligible entity shall ensure that the amount of any tuition or fees charged by a school participating in such eligible entity's program under section 4(a) to an eligible student participating in the program does not exceed the amount of tuition or fees that the school charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—An eligible entity receiving a grant under section 4(a) shall make scholarship payments under the program under section 4(a) to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this Act.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, an eligible entity receiving a grant under section 4(a) may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—

(i) LIMIT FOR SCHOOL YEAR 2011–2012.—The amount of assistance provided to any eligible student by an eligible entity under a program under section 4(a) for school year 2011–2012 may not exceed—

(I) $8,000 for attendance in kindergarten through grade 8; and

(II) $12,000 for attendance in grades 9 through 12.

(ii) CUMULATIVE INFLATION ADJUSTMENT.—The limits described in clause (i) shall apply for each school year following school year 2011–2012, except that the Secretary shall adjust the maximum amounts of assistance (as described in clause (i) and adjusted under this clause for the preceding year) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) PARTICIPATING SCHOOL REQUIREMENTS.—None of the funds provided under subsection (a) for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

(A) has and maintains a valid certificate of occupancy issued by the District of Columbia;

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflecting the financial sustainability of the school and the school's ability to be in operation through the school year;

(D) agrees to submit to site visits as determined to be necessary by the eligible entity, except that a participating school shall not be required to submit to more than one site visit per year;

(E) has financial systems, controls, policies, and procedures to ensure that funds are used in accordance with the requirements of this Act; and

(F) ensures that each teacher of core subject matter in the school has a baccalaureate degree or equivalent degree.

(b) ADMINISTRATIVE EXPENSES.—An eligible entity receiving a grant under section 4(a) may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under such section during the year, including—

(1) determining the eligibility of students to participate;

(2) selecting eligible students to receive scholarships;

(3) determining the amount of scholarships and issuing the scholarships to eligible students; and

(4) compiling and maintaining financial and programmatic records.

(c) PARENTAL ASSISTANCE.—An eligible entity receiving a grant under section 4(a) may use not more than 2 percent of the amount provided under the grant each year for the expenses of educating parents about the program under this Act and assisting parents through the application process under this Act during the year, including—

(1) providing information about the program and the participating schools to parents of eligible students;

(2) providing funds to assist parents of students in meeting expenses that might otherwise preclude the participation of eligible students in the program; and

(3) streamlining the application process for parents.

(d) STUDENT ACADEMIC ASSISTANCE.—An eligible entity receiving a grant under section 4(a) may use not more than 1 percent of the amount provided under the grant each year for expenses to provide tutoring services to participating eligible students that need additional academic assistance in the students' new schools. If there are insufficient funds to pay for these costs for all such students, the eligible entity shall give priority to students who previously attended an elementary school or secondary school that was identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) as of the time the student attended the school.

SEC. 8. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in any program under this Act shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the school.

(2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) APPLICABILITY.—For purposes of this Act, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this Act as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this Act.

(c) CHILDREN WITH DISABILITIES.—Nothing in this Act may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school participating in any program under this Act that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1 et seq.), including the exemptions in such title.

(2) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under section 7(a) to eligible students, which are used at a participating school as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.—A scholarship (or any other form of support provided to parents of eligible students) provided under section 7(a) shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any such scholarship (or other form of support provided to parents of an eligible student) shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 9. EVALUATIONS.

(a) IN GENERAL.—

(1) DUTIES OF THE SECRETARY AND THE MAYOR.—The Secretary and the Mayor of the District of Columbia shall—

(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the performance of students who received scholarships under the 5-year program under section 4(a), and the Mayor shall ensure that, for the purposes of this evaluation, all public and public charter schools of the District of Columbia comply with all reasonable requests for information;

(B) jointly enter into an agreement to monitor and evaluate the use of funds authorized and appropriated under paragraphs (2) and (3) of section 14(b) for the public schools and public charter schools of the District of Columbia; and

(C) make the evaluations public in accordance with subsection (c).

(2) DUTIES OF THE SECRETARY.—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation under paragraph (1)(A) is conducted using the strongest possible research design for determining the effectiveness of the program funded under section 4(a) that addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the program in increasing the academic growth and achievement of participating students, and on the impact of the program on students and schools in the District of Columbia.

(3) DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.—The Institute of Education Sciences shall—

(A) use a grade appropriate measurement each school year to assess participating eligible students;

(B) measure the academic achievement of all participating eligible students; and

(C) work with the eligible entities to ensure that the parents of each student who applies for an opportunity scholarship under a

program under section 4(a) (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under section 4(a), agree that the student will participate in the measurements given annually by the Institute of Education Sciences for the period for which the student applied for or received the scholarship, respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 6(2).

(4) ISSUES TO BE EVALUATED.—The issues to be evaluated include—

(A) a comparison of the academic growth and achievement of participating eligible students in the measurements described in this section with the academic growth and achievement of eligible students in the same grades in the public schools and public charter schools of the District of Columbia, who sought to participate in the scholarship program but were not selected;

(B) the success of the program in expanding choice options for parents, improving parental and student satisfaction, and increasing parental involvement in the education of their children;

(C) the reasons parents choose for their children to participate in the program;

(D) a comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students who participate in the program funded under section 4(a), as compared to the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such program;

(E) the impact of the program on students, and public elementary schools and secondary schools, in the District of Columbia;

(F) a comparison of the safety of the schools attended by students who participate in the program funded under section 4(a) and the schools attended by students who do not participate in the program, based on the perceptions of the students and parents and on objective measures of safety;

(G) such other issues as the Secretary considers appropriate for inclusion in the evaluation; and

(H) an analysis of the issues described in subparagraphs (A) through (G) with respect to the subgroup of eligible students participating in the program funded under section 4(a) who consistently use the opportunity scholarships to attend a participating school.

(5) PROHIBITION.—Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate—

(1) annual interim reports, not later than December 1 of each year for which a grant is made under section 4(a), on the progress and preliminary results of the evaluation of the program funded under such section; and

(2) a final report, not later than 1 year after the final year for which a grant is made under section 4(a), on the results of the evaluation of the program funded under such section.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 5 percent of the total amount appropriated to carry out section 4(a) for the fiscal year.

SEC. 10. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each eligible entity receiving funds under section 4(a) during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee receiving funds under section 4(a) shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit to the Secretary a report, including any pertinent data collected in the preceding 2 academic years, concerning—

(A) the academic growth and achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee receiving funds under section 4(a) shall ensure that each school participating in the grantee's program under this Act during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate;

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions; and

(C) the accreditation status of the school.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—

(1) REPORTS BY SECRETARY.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives, and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate, an annual report on the findings of the reports submitted under subsections (a) and (b).

(2) REPORTS BY MAYOR.—In order for funds under paragraphs (2) and (3) of section 14(b) to be made available to the District of Columbia, the Mayor of the District of Columbia shall submit to the Committees on Appropriations, the Committee on Education and the Workforce, and the Committee on Oversight and Government Reform, of the House of Representatives, and the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate, information on—

(A) how the funds authorized and appropriated under paragraphs (2) and (3) of section 14(b) for the public schools and public charter schools of the District of Columbia were utilized; and

(B) how such funds are contributing to student achievement.

SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under section 4(a) shall comply with all requests for data and information regarding evaluations conducted under section 9(a).

(b) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—Each school participating in a program funded under section 4(a), including each participating school described in section 8(d), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

(c) NATIONALLY NORM-REFERENCED STANDARDIZED TESTS.—

(1) IN GENERAL.—Each school participating in a program funded under section 4(a) shall administer a nationally norm-referenced standardized test in reading and mathematics to each student enrolled in the school who is receiving an opportunity scholarship. The results of such test shall be reported to the student's parents or legal guardians and to the Secretary, through the Institute of Education Sciences of the Department of Education, for the purposes of conducting the evaluation under section 9.

(2) MAKE-UP SESSION.—If a school participating in a program funded under section 4(a) does not administer a nationally norm-referenced standardized test or the Institute of Education Sciences does not receive data regarding the results of such test for a student who is receiving an opportunity scholarship, then the Secretary, acting through the Institute of Education Sciences, shall administer such test not less than once during each school year to each student receiving an opportunity scholarship.

SEC. 12. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) A nonprofit organization.

(B) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who is a resident of the District of Columbia and comes from a household—

(A) receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(B) whose income does not exceed—

(i) 185 percent of the poverty line; or

(ii) in the case of a student participating in the program under this Act in the preceding year, 300 percent of the poverty line.

(4) PARENT.—The term ''parent'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term ''secondary school'' means an institutional day

or residential school, including a public secondary charter school, that provides secondary education, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 13. TRANSITION PROVISIONS.

(a) REPEAL.—The DC School Choice Incentive Act of 2003 (title III of division C of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126)) is repealed.

(b) REAUTHORIZATION OF PROGRAM.—This Act shall be deemed to be the reauthorization of the District of Columbia opportunity scholarship program under the DC School Choice Incentive Act of 2003.

(c) ORDERLY TRANSITION.—Subject to subsections(d) and (e), the Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act from any authority under the provisions of the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this Act or a repeal made by this Act shall be construed to alter or affect the memorandum of understanding entered into with the District of Columbia, or any grant or contract awarded, under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act.

(e) MULTI-YEAR AWARDS.—The recipient of a multi-year grant or contract award under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such award.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act, for the uses described in subsection (b), $60,000,000 for fiscal year 2012 and each of the 4 succeeding fiscal years.

(b) USE OF FUNDS AUTHORIZED UNDER THIS ACT.—For each fiscal year, any amount appropriated to carry out this Act shall be equally divided among—

(1) the Secretary, in order to carry out the District of Columbia opportunity scholarship program established under section 4(a);

(2) the District of Columbia Public Schools, in order to improve public school education in the District of Columbia; and

(3) the State Education Office of the District of Columbia, in order to expand quality public charter schools in the District of Columbia.

Ms. COLLINS. Mr. President, I am pleased to be joining Senator LIEBERMAN in introducing the Scholarships for Opportunity and Results Act of 2011, also known as the SOAR Act. This important piece of legislation will reauthorize the DC Opportunity Scholarship Program, which has successfully provided additional educational options for some of our nation's most at-risk children.

Sadly, DC's public schools continue to underperform despite a per-pupil expenditure rate that is one of the highest in the nation. Experts have carefully studied the DC Opportunity Scholarship Program and concluded that the educational success of the program's participants in reading has outpaced those in DC public schools.

Approximately 6 years ago, leaders in the District of Columbia became frustrated with institutionalized failure within the public school system, and designed a unique ''three-sector'' strategy that provided new funding for public schools, public charter schools and new educational options for needy children. Working with the District, Congress and the Bush administration then implemented the DC School Choice Incentive Act in 2004, giving birth to the DC Opportunity Scholarship Program.

The program is the first to provide federally funded scholarships to students, and has enabled low-income students from the District of Columbia public school system to attend the independent-private or parochial school of their choice. For many of these students, this was their first opportunity to access a high-quality education.

In March 2009, the Department of Education released its evaluation of the program's impact after three years, which showed that overall, students offered scholarships had higher reading achievement than those not offered scholarships—the equivalent of an additional three months of learning.

Studies have also shown that parents were overwhelmingly satisfied with their children's experience in the program. Common reasons for this higher level of satisfaction included, appreciation for the ability to choose their child's school, the success their children are having in new school environments, and the support provided by the DC Children and Youth Investment Trust Corporation, which runs the program.

In May 2009, Chairman LIEBERMAN and I held a compelling hearing in the Homeland Security and Governmental Affairs Committee where we heard the personal success stories of current and former participants in the program. Their testimony helped to highlight the real-world implications of discontinuing the program.

Ronald Holassie, then a junior at Archbishop Carroll, gave compelling testimony about the impact this program has had on his life. His mother was so concerned about the education he had been receiving that she was considering sending him to school in her home country of Trinidad, until she found out about the Opportunity Scholarship Program. Ronald said something very near the end of our hearing in response to a question from a member of the Committee that I also found enlightening. He said, ''DC schools didn't get bad over night, and they aren't going to get better overnight either.'' The program is critical to that improvement.

Based on what we have learned over the past few years, Chairman LIEBERMAN and I drafted a bipartisan bill to reauthorize the DC Opportunity Scholarship Program. This effort is also being replicated in the House with a bill introduced by Speaker BOEHNER.

One of the reasons that I so strongly believe in the three-sector approach to funding for education in the District is that it reaffirms Congress' commitment to improving educational outcomes and opportunities, not just for the students attending private schools, but also for all students in the District—including those attending DC public and charter schools.

I know that each of us shares the common goal of ensuring that all students in the District are receiving the highest quality education, which is why it is incumbent upon us to act and to act now to fully reauthorize the DC Opportunity Scholarship Program.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LEAHY, Mr. REID, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 207. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators LEAHY, REID, WHITEHOUSE and others to introduce the COPS Improvement Act of 2011. This legislation would reauthorize and make improvements to one of the Department of Justice's most successful efforts to fight crime, the Community Oriented Policing Services, COPS, program.

The success story of the COPS program has been told many times, but it is worth repeating. The goal in 1994 was to put an additional 100,000 cops on the beat. Over the next 5 years, from 1995 to 1999, the COPS Universal Hiring Program distributed nearly $1 billion per year in grants to state and local law enforcement agencies in all 50 states to hire additional law enforcement officers, allowing us to achieve our goal of 100,000 new officers.

Common sense told the American people that having more police walking the beat would lead to less crime, and our experience with the COPS program proved that to be true. This unprecedented effort to put more police officers in our communities coincided with significant reductions in crime during the 1990s. As the number of police rose, we saw 8 consecutive years of reductions in crime. Few programs can claim such a clear record of success.

Unfortunately, the success of the COPS program led some to declare victory. Beginning in 2001, funding for the COPS program came under attack. President Bush proposed cuts to state and local law enforcement programs that totaled well over $1 billion during his tenure. Despite bipartisan efforts in Congress to prevent those cuts, state and local law enforcement funding consistently declined. Ultimately, the administration succeeded in eliminating the COPS Hiring Program in 2005.

These cuts have been felt by the people who work tirelessly every day to keep our communities safe, and the consequences have been real. Cities across the country have seen the size of their police forces reduced. Many cities have hundreds of vacancies on their forces that they cannot afford to fill. They have been forced to choose between keeping officers employed and buying vital equipment. The men and women who have sworn to protect us from ever-evolving threats cannot go without either.

Over the past several years, there has been a bipartisan effort in Congress to renew our commitment to local law enforcement by restoring COPS funding. In 2009, we dedicated $1 billion to the COPS program through the American Recovery and Reinvestment Act. These funds helped state, local, and tribal law enforcement agencies create and preserve thousands of law enforcement positions. This boost has gone a long way to help many departments weather the economic downturn, but need is great—the COPS Office received nearly 7,300 applications requesting 39,000 officers and $8.3 billion in funds in response to this grant funding.

We can all agree that local law enforcement needs our unwavering support. One way we can do this is to reauthorize the COPS program through the COPS Improvement Act of 2011. This legislation will re-authorize hiring programs for three specific purposes—general community policing, local counter-terrorism officers, and school resource officers. The bill steps up our commitment to community policing and community cooperation by reauthorizing community prosecutor grants. Technology grants that cut down on investigation time and paperwork are included so that officers can spend more time on the beat and less time behind a desk. The bill also creates an independent COPS Office within the Department of Justice, a step that is important to the program's continued success and oversight. Finally, the legislation revitalizes a Troops-to-Cops program to encourage local police agencies to hire former military personnel who are honorably discharged from military service or who are displaced by base closings.

The bill makes additional improvements to the COPS program by including safeguards to ensure that our money is being spent wisely. For example, it will allow the COPS Office to do more than simply revoke or suspend a grant if a recipient fails to comply with its terms. The COPS Office, at the direction of the Attorney General, would be able to take any enforcement action available to the Department of Justice, such as civil penalties or recoupment of funds.

In addition to strengthening law enforcement's ability to prevent and fight crime, the COPS Improvement Act directly creates jobs and helps local governments cope with the economic downturn without jeopardizing community safety. Furthermore, by hiring more officers we will be better able to combat the crime that harms our economy by driving business opportunities out of distressed neighborhoods, taking with them economic opportunity.

The COPS Improvement Act of 2011 would authorize $900 million per year over six years for the COPS program. It would allocate $500 million per year for the hiring officers, $150 million for community prosecutors, and $250 million per year for technology grants.

To be sure, some will argue that $900 million is too large a price tag. But it is hard to put a price tag on the security of our communities. Investing money in such a successful program with such an important goal is certainly worth the cost. We must also remember that preventing crime from occurring saves taxpayers from the costs associated with victim assistance and incarceration. For that reason, a recent report by the Brookings Institution found ''COPS . . . to be one of the most cost-effective options available for fighting crime.''

It is difficult to overstate the importance of passing the COPS Improvement Act. Because of the success of the program and the need for a renewed commitment to it, the bill has long had the support of every major law enforcement group in the Nation, including the International Association of Chiefs of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials, the International Union of Police Associations, and the Fraternal Order of Police. These law enforcement officers put their lives on the line every day to make our communities a safe place to live, and they deserve our full support.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 207

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''COPS Improvements Act of 2011''.

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c);

(3) by striking subsection (a) and inserting the following:

''(a) THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES.—

''(1) OFFICE.—There is within the Department of Justice, under the general authority of the Attorney General, a separate and distinct office to be known as the Office of Community Oriented Policing Services (referred to in this subsection as the 'COPS Office').

''(2) DIRECTOR.—The COPS Office shall be headed by a Director who shall—

''(A) appointed by the Attorney General; and

''(B) have final authority over all grants, cooperative agreements, and contracts awarded by the COPS Office.

''(b) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsections (c), (d), (e), and (f).'';

(4) in subsection (c), as so redesignated—

(A) in the heading, by striking ''uses of grant amounts.—'' and inserting ''COMMUNITY POLICING AND CRIME PREVENTION GRANTS'';

(B) in paragraph (3), by striking '', to increase the number of officers deployed in community-oriented policing'';

(C) in paragraph (4), by inserting ''or train'' after ''pay for'';

(D) by striking paragraph (9);

(E) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(F) by inserting after paragraph (4) the following:

''(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;'';

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14), (15), and (16) as paragraphs (13), (14), and (15), respectively;

(I) in paragraph (15), as so redesignated, by striking ''and'' at the end;

(J) by redesignating paragraph (17) as paragraph (18);

(K) by inserting after paragraph (15), as so redesignated, the following:

''(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

''(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.''; and

(L) in paragraph (18), as so redesignated, by striking ''through (16)'' and inserting ''through (17)'';

(5) by striking subsections (h) and (i);

(6) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively;

(7) by redesignating subsections (d) through (g) as subsections (g) through (j), respectively;

(8) by inserting after subsection (c), as so redesignated, the following:

''(d) TROOPS-TO-COPS PROGRAMS.—

''(1) IN GENERAL.—Grants made under subsection (b) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

''(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

''(e) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (b) to pay for additional

community prosecuting programs, including programs that assign prosecutors to—

''(1) handle cases from specific geographic areas; and

''(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

''(f) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (b) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.'';

(9) in subsection (g), as so redesignated—

(A) in paragraph (1), by striking ''to States, units of local government, Indian tribal governments, and to other public and private entities,'';

(B) in paragraph (2), by striking ''define for State and local governments, and other public and private entities,'' and inserting ''establish''; and

(C) in the first sentence of paragraph (3), by inserting ''(including regional community policing institutes)'' after ''training centers or facilities'';

(10) in subsection (i), as so redesignated—

(A) by striking ''subsection (a)'' the first place that term appears and inserting ''paragraphs (1) and (2) of subsection (c)''; and

(B) by striking ''in each fiscal year pursuant to subsection (a)'' and inserting ''in each fiscal year for purposes described in paragraph (1) and (2) of subsection (c)'';

(11) in subsection (j), as so redesignated—

(A) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(B) by striking the second sentence;

(12) in subsection (k)(1), as so redesignated—

(A) by striking ''subsection (i) and''; and

(B) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(13) by adding at the end the following:

''(m) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (c) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.

''(n) PROPORTIONALITY OF AWARDS.—The Attorney General shall ensure that the same percentage of the total number of eligible applicants in each State receive a grant under this section.''.

(b) APPLICATIONS.—Section 1702 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', unless waived by the Attorney General'' after ''under this part shall'';

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended to read as follows:

''SEC. 1703. RENEWAL OF GRANTS.

''(a) IN GENERAL.—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

''(b) NO COST EXTENSIONS.—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.''.

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended—

(1) in subsection (a), by striking ''that would, in the absence of Federal funds received under this part, be made available from State or local sources'' and inserting ''that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources''; and

(2) by striking subsection (c).

(e) ENFORCEMENT ACTIONS.—Section 1706 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–5) is amended—

(1) in the section heading, by striking ''**REVOCATION OR SUSPENSION OF FUNDING**'' and inserting ''**ENFORCEMENT ACTIONS**''; and

(2) by striking ''revoke or suspend'' and all that follows and inserting ''take any enforcement action available to the Department of Justice.''.

(f) DEFINITIONS.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended—

(1) by striking ''who is authorized'' and inserting ''who is a sworn law enforcement officer and is authorized''; and

(2) by inserting '', including officers for the Amtrak Police Department'' before the period at the end.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking ''$1,047,119,000 for each of fiscal years 2006 through 2009'' and inserting ''$900,000,000 for each of fiscal years 2012 through 2017''; and

(2) in subparagraph (B)—

(A) in the first sentence—

(i) by striking ''3 percent'' and inserting ''5 percent''; and

(ii) by striking ''section 1701(d)'' and inserting ''section 1701(g)''; and

(B) by striking the second sentence and inserting the following: ''Of the funds available for grants under part Q, not less than $500,000,000 shall be used for grants for the purposes specified in section 1701(c), not more than $150,000,000 shall be used for grants under section 1701(e), and not more than $250,000,000 shall be used for grants under section 1701(f).''.

(h) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking ''development'' and inserting ''use''; and

(2) in the matter following paragraph (4), by striking ''for a period of 6 years''.

(i) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting '', except for the program under part Q of this title'' before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

''(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.''.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 208. A bill to amend the Internal Revenue Code of 1986 to extend the 100 percent exclusion for gain on certain small business stock; to the Committee on Finance.

Mr. KERRY. Mr. President, for years I have worked to encourage investment in small businesses. We all realize that small businesses are the backbone of our economy. As the economy continues to recover, we must help small businesses have access to capital.

Many of our most successful corporations started as small businesses, including AOL, Apple Computer, Compaq Computer, Datastream, Intel Corporation, and Sun Microsystems. As you can see from this partial list, many of these companies played an integral role in making the Internet a reality.

Investing in small businesses is essential to strengthening our economy. Not only will investment in small businesses spur job creation, it will lead to new technological breakthroughs. We are at an integral juncture in developing clean energy technology. I believe that small businesses will repeat the role it played at, the vanguard of the computer revolution—by leading the Nation in developing the technologies which result in clean energy. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in these small businesses.

Today, Senator SNOWE and I are introducing legislation to extend the zero capital gains rate on certain small business stock and the exception from minimum tax preference treatment through 2012. During the past two Congresses, Senator SNOWE and I introduced legislation which would make permanent changes to the 50 percent exclusion for gain on small business stock.

Back in 1993, I worked with Senator Bumpers to enact legislation to provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for 5 years. Since the enactment of this provision, the capital gains rate has been lowered without any changes to the exclusion. Due to the lower capital rates, the 50 percent exclusion no longer provided a strong incentive for investment in small businesses.

Our efforts to improve this provision have been successful. The American Recovery and Reinvestment Act temporarily increased the exclusion to 75 percent. The Small Business Jobs Act

of 2010 temporarily increased the exclusion to 100 percent and the alternative minimum tax, AMT, preference item for gain excluded under this provision would be temporarily eliminated. These provisions were further extended through 2011 by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010. The legislation that I am introducing would extend these provisions through 2012.

Extending the zero capital gains rate on small business stock through 2012 would put this provision on equal footing with the extension of the lower capital gains rate included in the Tax Relief, Unemployment Insurance, Reauthorization, and Job Creation Act of 2010.

I believe that the additional improvements should still be made to the exclusion for small business stock and I will continue to work on this issue. As Congress begins its work on tax reform, encouraging investment in small businesses should be a goal of tax reform.

I urge my colleagues to support an extension of the zero capital gains rate and I look forward to working on tax reform which encourages job creation and investment in small businesses.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 26—RECOGNIZING THE ANNIVERSARY OF THE TRAGIC EARTHQUAKE IN HAITI ON JANUARY 12, 2010, HONORING THOSE WHO LOST THEIR LIVES IN THAT EARTHQUAKE, AND EXPRESSING CONTINUED SOLIDARITY WITH THE HAITIAN PEOPLE

Mr. NELSON of Florida (for himself, Mr. KERRY, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. CASEY, Mr. LAUTENBERG, Mr. LUGAR, Mr. CORKER, Mr. MENENDEZ, Mr. RUBIO, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 26

Whereas on January 12, 2010, an earthquake measuring 7.0 on the Richter scale struck the country of Haiti;

Whereas, according to the United States Geological Survey, the epicenter of the earthquake was located approximately 15 miles southwest of Port-au-Prince, the capital of Haiti;

Whereas, according to the United States Geological Survey, the earthquake was followed by 59 aftershocks of magnitude 4.5 on the Richter scale or greater, with the most severe measuring a magnitude of 6.0 on the Richter scale;

Whereas, according to the Government of Haiti, more than 230,000 people died as a result of the earthquake, including 103 citizens of the United States;

Whereas an untold number of international aid personnel also died as a result of the earthquake, including more than 100 United Nations personnel;

Whereas, according to the United Nations and the International Organization for Migration—

(1) an estimated 3,000,000 people, or nearly ⅓ of the population of Haiti, have been directly affected by the disaster; and

(2) an estimated 1,300,000 people were displaced from their homes to settlements;

Whereas casualty numbers and infrastructure damage, including damage to roads, ports, hospitals, and residential dwellings, place the earthquake as the worst cataclysm to hit Haiti in more than 200 years and, proportionally, as one of the worst natural disasters in the world in modern times;

Whereas the Post Disaster Needs Assessment, which was conducted by the Government of Haiti, the United Nations, the World Bank, the Inter-American Development Bank, and other experts, estimates that damage and economic losses totaled $7,800,000,000, which is equal to approximately 120 percent of the gross domestic product of Haiti in 2009;

Whereas the Post Disaster Needs Assessment estimates that $11,500,000,000 is needed during the next 3 years for the reconstruction of Haiti and to lay the groundwork for long-term development;

Whereas Haiti was the poorest, least developed country in the Western Hemisphere before the January 2010 earthquake, when—

(1) more than 70 percent of Haitians lived on less than $2 per day; and

(2) Haiti was ranked of 149th out of 182 countries on the United Nations Human Development Index;

Whereas, before the earthquake, Haiti was in the process of recovering from a catastrophic series of hurricanes and tropical storms, food shortages, rising commodity prices, and political instability, but was showing encouraging signs of improvement;

Whereas President Barack Obama vowed the ''unwavering support'' of the United States and pledged a ''swift, coordinated and aggressive effort to save lives and support the recovery in Haiti'';

Whereas Senate Resolution 392, which was agreed to on January 21, 2010, by unanimous consent—

(1) expressed the profound sympathy and unwavering support of the Senate for the people of Haiti; and

(2) urged all nations to commit to assisting the people of Haiti with their long-term needs;

Whereas the response to the tragedy from the global community, and especially from the countries of the Western Hemisphere, has been overwhelmingly positive;

Whereas the initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute;

Whereas individuals, businesses, and philanthropic organizations throughout the United States and the international community responded to the crisis by supporting Haiti and its people through innovative ways, such as fundraising through text messaging;

Whereas more than $2,700,000,000 is estimated to have been raised from private donations in response to the tragedy in Haiti;

Whereas the Haitian diaspora community in the United States, which was integral to emergency relief efforts—

(1) has annually contributed significant monetary support to Haiti through remittances; and

(2) continues to seek opportunities to partner with the United States Agency for International Development and other Federal agencies to rebuild Haiti;

Whereas Haiti continues to suffer from extreme poverty, gross inequality, a deficit of political leadership at all levels, and weak or corrupt state institutions;

Whereas significant long-term challenges remain as Haiti works to recover and rebuild;

Whereas the International Organization for Migration estimates that approximately 800,000 people remain in spontaneous and organized camps in Haiti;

Whereas, according to numerous nongovernmental organizations and United States contractors, the pace of reconstruction in Haiti has lagged significantly behind the original emergency relief phase;

Whereas there is an acute need—

(1) to increase local capacity in health care and education; and

(2) to focus international attention on employment opportunities, rubble removal, permanent and sustainable shelter, reconstruction of roads, safety and security, and fundamental human rights in Haiti, especially in temporary camps and shelters;

Whereas the alleged irregularities and fraud that occurred in the election held in Haiti on November 28, 2010, have imperiled the credibility of the electoral process, undermined the recovery effort, and further destabilized security throughout Haiti;

Whereas political leadership is required to ensure that a democratically elected government, which is respected by the people of Haiti and recognized by the international community, is prepared to assume office on February 7, 2011, or shortly thereafter;

Whereas, on October 19, 2010, an outbreak of cholera was detected in the lower Artibonite region of Haiti;

Whereas initial efforts to contain the epidemic were disrupted by Hurricane Tomas and resulting widespread flooding, which led to the spreading and entrenchment of the disease throughout Haiti;

Whereas, according to the Haitian Ministry of Public Health and Population, between the outbreak in October 2010 and January 21, 2011—

(1) more than 3,850 people have died from cholera in Haiti; and

(2) more than 194,000 people in Haiti have been affected by the disease;

Whereas, according to the Pan American Health Organization and the Centers for Disease Control and Prevention, cholera could spread to as many as 400,000 people within the first year of the epidemic, potentially causing 8,000 deaths at the current case fatality rate;

Whereas the United States has provided $40,000,000 worth of assistance to combat the cholera epidemic, primarily through the Office of Foreign Disaster Assistance, to assist with stockpiling health commodities, equipping cholera treatments centers, providing public information, and developing a safe and sustainable water and sanitation system;

Whereas the efforts to combat the cholera epidemic have helped to drive the mortality rate from cholera down from 7 percent to 1 percent of all contracted cases during the 3-month period ending on January 21, 2011;

Whereas, during the first year following the January 12, 2010 earthquake in Haiti, the people of Haiti have demonstrated unwavering resilience, dignity, and courage;

Whereas at the conference of international donors entitled ''Towards a New Future for Haiti'', which was held on March 31, 2010, 59 donors pledged approximately $5,570,000,000 (including nearly $1,200,000,000 pledged by donors from the United States) to support the Action Plan for National Recovery and Development of the Government of Haiti;

Whereas the United Nations Office of the Special Envoy for Haiti estimates that approximately 63 percent of the recovery and development funds pledged for 2010 have been disbursed; and