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Calendar No. 463

112TH CONGRESS
2D SESSION

S. 3276

[Report No. 112–174]

To extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2012

Mrs. FEINSTEIN, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

JUNE 29, 2012

Referred to the Committee on the Judiciary pursuant to section 3(b) of S. Res. 400 of the 94th Congress, as amended by S. Res. 445 of the 108th Congress

JULY 19, 2012

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To extend certain amendments made by the FISA Amendments Act of 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

~~**SECTION 1. SHORT TITLE.**~~

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

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

~~(a) EXTENSION.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110-261; 50 U.S.C. 1881 note) is amended by striking "December 31, 2012" and inserting "June 1, 2017".~~

~~(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 403(b)(2) of such Act (Public Law 110-261; 122 Stat. 2474) is amended by striking "December 31, 2012" and inserting "June 1, 2017".~~

~~(c) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110-261; 50 U.S.C. 1801 note) is amended in the heading by striking "DECEMBER 31, 2012" and inserting "JUNE 1, 2017".~~

SECTION 1. SHORT TITLE.

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

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

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

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

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

SEC. 3. INSPECTOR GENERAL REVIEWS.

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

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

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

(3) in subparagraph (D)—

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

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

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

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

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

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

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

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

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

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

and in order to conduct the review required under subparagraph (B).

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

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

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

"(C) CONSIDERATION OF OTHER REVIEWS AND ASSESSMENTS.—In conducting a review under subparagraph (B), the Inspector General

of the Intelligence Community should take into consideration, to the extent relevant and appropriate, any reviews or assessments that have been completed or are being undertaken under this section.

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

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

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

"(I) the congressional intelligence committees; and

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

"(E) PUBLIC REPORTING OF FINDINGS AND CONCLUSIONS.—In a manner consistent with the

protection of the national security of the United States, and in unclassified form, the Inspector General of the Intelligence Community shall make publicly available a summary of the findings and conclusions of the review conducted under subparagraph (B).".

SEC. 4. ANNUAL REVIEWS.

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

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

(A) in the first sentence—

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

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

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

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

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