

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.**

**S. 3276**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. LEAHY

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FAA Sunsets Exten-  
5 sion Act of 2012”.

6 **SEC. 2. EXTENSION OF FISA AMENDMENTS ACT OF 2008**

7 **SUNSET.**

8 (a) EXTENSION.—Section 403(b)(1) of the FISA  
9 Amendments Act of 2008 (Public Law 110-261; 50 U.S.C.  
10 1881 note) is amended by striking “December 31, 2012”  
11 and inserting “June 1, 2015”.

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

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

9 **SEC. 3. INSPECTOR GENERAL REVIEWS.**

10 (a) AGENCY ASSESSMENTS.—Section 702(l)(2) of the  
11 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
12 1881a(l)(2)) is amended—

13 (1) in the matter preceding subparagraph (A),  
14 by striking “authorized to acquire foreign intel-  
15 ligence information under subsection (a)” and in-  
16 serting “with targeting or minimization procedures  
17 approved under this section”;

18 (2) in subparagraph (C), by inserting “United  
19 States persons or” after “later determined to be”;  
20 and

21 (3) in subparagraph (D)—

22 (A) in the matter preceding clause (i), by  
23 striking “such review” and inserting “review  
24 conducted under this paragraph”;

1 (B) in clause (ii), by striking “and” at the  
2 end;

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

5 (D) by inserting after clause (ii), the fol-  
6 lowing:

7 “(iii) the Inspector General of the In-  
8 telligence Community; and”.

9 (b) INSPECTOR GENERAL OF THE INTELLIGENCE  
10 COMMUNITY REVIEW.—Section 702(1) of the Foreign In-  
11 telligence Surveillance Act of 1978 (50 U.S.C. 1881a(1))  
12 is amended—

13 (1) by redesignating paragraph (3) as para-  
14 graph (4); and

15 (2) by inserting after paragraph (2) the fol-  
16 lowing:

17 “(3) INSPECTOR GENERAL OF THE INTEL-  
18 LIGENCE COMMUNITY REVIEW.—

19 “(A) IN GENERAL.—The Inspector General  
20 of the Intelligence Community is authorized to  
21 review the acquisition, use, and dissemination  
22 of information acquired under subsection (a) in  
23 order to review compliance with the targeting  
24 and minimization procedures adopted in accord-  
25 ance with subsections (d) and (e) and the

1 guidelines adopted in accordance with sub-  
2 section (f), and in order to conduct the review  
3 required under subparagraph (B).

4 “(B) MANDATORY REVIEW.—The Inspec-  
5 tor General of the Intelligence Community shall  
6 review the procedures and guidelines developed  
7 by the intelligence community to implement this  
8 section, with respect to the protection of the  
9 privacy rights of United States persons, includ-  
10 ing—

11 “(i) an evaluation of the limitations  
12 outlined in subsection (b), the procedures  
13 approved in accordance with subsections  
14 (d) and (e), and the guidelines adopted in  
15 accordance with subsection (f), with re-  
16 spect to the protection of the privacy rights  
17 of United States persons; and

18 “(ii) an evaluation of the cir-  
19 cumstances under which the contents of  
20 communications acquired under subsection  
21 (a) may be searched in order to review the  
22 communications of particular United  
23 States persons.

24 “(C) CONSIDERATION OF OTHER REVIEWS  
25 AND ASSESSMENTS.—In conducting a review

1 under subparagraph (B), the Inspector General  
2 of the Intelligence Community should take into  
3 consideration, to the extent relevant and appro-  
4 priate, any reviews or assessments that have  
5 been completed or are being undertaken under  
6 this section.

7 “(D) REPORT.—Not later than December  
8 31, 2014, the Inspector General of the Intel-  
9 ligence Community shall submit a report re-  
10 garding the reviews conducted under this para-  
11 graph to—

12 “(i) the Attorney General;

13 “(ii) the Director of National Intel-  
14 ligence; and

15 “(iii) consistent with the Rules of the  
16 House of Representatives, the Standing  
17 Rules of the Senate, and Senate Resolution  
18 400 of the 94th Congress or any successor  
19 Senate resolution—

20 “(I) the congressional intelligence  
21 committees; and

22 “(II) the Committees on the Ju-  
23 diciary of the House of Representa-  
24 tives and the Senate.

1           “(E) PUBLIC REPORTING OF FINDINGS  
2           AND CONCLUSIONS.—In a manner consistent  
3           with the protection of the national security of  
4           the United States, and in unclassified form, the  
5           Inspector General of the Intelligence Commu-  
6           nity shall make publicly available a summary of  
7           the findings and conclusions of the review con-  
8           ducted under subparagraph (B).”.

9   **SEC. 4. ANNUAL REVIEWS.**

10          Section 702(l)(4)(A) of the Foreign Intelligence Sur-  
11          veillance Act of 1978 (50 U.S.C. 1881a(l)(4)(A)), as re-  
12          designated by section 3(b)(1), is amended—

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

14                         (A) in the first sentence—

15                                 (i) by striking “conducting an acquisi-  
16                                 tion authorized under subsection (a)” and  
17                                 inserting “with targeting or minimization  
18                                 procedures approved under this section”;  
19                                 and

20                                 (ii) by striking “the acquisition” and  
21                                 inserting “acquisitions under subsection  
22                                 (a)”; and

23                         (B) in the second sentence, by striking  
24                         “The annual review” and inserting “As applica-  
25                         ble, the annual review”; and

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