

Calendar No. 463112TH CONGRESS
2^D 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 *italie*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. EXTENSION OF FISA AMENDMENTS ACT OF 2008**
5 **SUNSET.**

6 (a) **EXTENSION.**—Section 403(b)(1) of the FISA
7 Amendments Act of 2008 (Public Law 110-261; 50 U.S.C.
8 1881 note) is amended by striking “December 31, 2012”
9 and inserting “June 1, 2017”.

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

14 (c) **ORDERS IN EFFECT.**—Section 404(b)(1) of such
15 Act (Public Law 110-261; 50 U.S.C. 1801 note) is amend-
16 ed in the heading by striking “DECEMBER 31, 2012” and
17 inserting “JUNE 1, 2017”.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “FAA Sunsets Extension*
20 *Act of 2012”.*

21 **SEC. 2. EXTENSION OF FISA AMENDMENTS ACT OF 2008**
22 **SUNSET.**

23 (a) **EXTENSION.**—Section 403(b)(1) of the FISA
24 Amendments Act of 2008 (Public Law 110-261; 50 U.S.C.
25 1881 note) is amended by striking “December 31, 2012”
26 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 amended*
7 *in the heading by striking “DECEMBER 31, 2012” and insert-*
8 *ing “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 intelligence*
15 *information under subsection (a)” and inserting*
16 *“with targeting or minimization procedures approved*
17 *under this section”;*

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

20 (3) *in subparagraph (D)—*

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

24 (B) *in clause (ii), by striking “and” at the*
25 *end;*

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

3 (D) by inserting after clause (ii), the fol-
4 lowing:

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

7 (b) INSPECTOR GENERAL OF THE INTELLIGENCE COM-
8 MUNITY REVIEW.—Section 702(l) of the Foreign Intel-
9 ligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)) is
10 amended—

11 (1) by redesignating paragraph (3) as para-
12 graph (4); and

13 (2) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) INSPECTOR GENERAL OF THE INTEL-
16 LIGENCE COMMUNITY REVIEW.—

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

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

3 “(B) *MANDATORY REVIEW.—The Inspector*
4 *General of the Intelligence Community shall re-*
5 *view the procedures and guidelines developed by*
6 *the intelligence community to implement this*
7 *section, with respect to the protection of the pri-*
8 *vacv rights of United States persons, includ-*
9 *ing—*

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

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

23 “(C) *CONSIDERATION OF OTHER REVIEWS*
24 *AND ASSESSMENTS.—In conducting a review*
25 *under subparagraph (B), the Inspector General*

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

6 “(D) *REPORT.*—*Not later than December*
7 *31, 2014, the Inspector General of the Intel-*
8 *ligence Community shall submit a report regard-*
9 *ing the reviews conducted under this paragraph*
10 *to—*

11 “(i) *the Attorney General;*

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

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

19 “(I) *the congressional intelligence*
20 *committees; and*

21 “(II) *the Committees on the Judi-*
22 *ciary of the House of Representatives*
23 *and the Senate.*

24 “(E) *PUBLIC REPORTING OF FINDINGS AND*
25 *CONCLUSIONS.*—*In a manner consistent with the*

1 *protection of the national security of the United*
 2 *States, and in unclassified form, the Inspector*
 3 *General of the Intelligence Community shall*
 4 *make publicly available a summary of the find-*
 5 *ings and conclusions of the review conducted*
 6 *under subparagraph (B).”.*

7 **SEC. 4. ANNUAL REVIEWS.**

8 *Section 702(l)(4)(A) of the Foreign Intelligence Sur-*
 9 *veillance Act of 1978 (50 U.S.C. 1881a(l)(4)(A)), as redesign-*
 10 *ated by section 3(b)(1), is amended—*

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

12 (A) *in the first sentence—*

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

18 (ii) *by striking “the acquisition” and*
 19 *inserting “acquisitions under subsection*
 20 *(a)”;* *and*

21 (B) *in the second sentence, by striking “The*
 22 *annual review” and inserting “As applicable, the*
 23 *annual review”;* *and*

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

Calendar No. 463

112TH CONGRESS
2^D SESSION

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