

AMENDMENT NO.

Calendar No.

Purpose: To clarify that the Foreign Intelligence Surveillance Court has the authority to continue its review of Government targeting and minimization procedures.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 2248

To amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, 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 intended to be proposed by

Viz:

1 On page 18, strike line 24 and all that follows
2 through page 19, line 10, and insert the following:

3 “(3) TARGETING PROCEDURES.—

4 “(A) IN GENERAL.—The Court shall re-
5 view the targeting procedures required by sub-
6 section (e) to assess whether the procedures are
7 reasonably designed to ensure that the acquisi-
8 tion authorized under subsection (a) is limited

1 to the targeting of persons reasonably believed
2 to be located outside the United States.

3 “(B) CONTINUING OVERSIGHT.—Upon re-
4 ceipt of a semiannual assessment or annual re-
5 view pursuant to subsections (1)(1)(A) and
6 (1)(3)(C) respectively, the Foreign Intelligence
7 Surveillance Court shall consider whether in
8 light of the reports, the targeting and minimiza-
9 tion procedures required by subsection (e) and
10 (f) are being fulfilled, with respect to any acqui-
11 sition previously approved under subsection (i),
12 and if not, shall require action to correct the
13 deficiencies in the manner prescribed by para-
14 graph (5)(B).

15 “(4) MINIMIZATION PROCEDURES.—

16 “(A) IN GENERAL.—The Court shall re-
17 view the minimization procedures required by
18 subsection (f) to assess whether such proce-
19 dures meet the definition of minimization proce-
20 dures under section 101(h).

21 “(B) CONTINUING OVERSIGHT.—Upon re-
22 ceipt of a semiannual assessment or annual re-
23 view pursuant to subsections (1)(1)(A) and
24 (1)(3)(C) respectively, the Foreign Intelligence
25 Surveillance Court shall consider whether in

1 light of the reports, the targeting and minimiza-
2 tion procedures required by subsection (e) and
3 (f) are being fulfilled, with respect to any acqui-
4 sition previously approved under subsection (i),
5 and if not, shall require action to correct the
6 deficiencies in the manner prescribed by para-
7 graph (5)(B).”