

S.L.C. 10/1/21
John Leahy

AMENDMENT NO.

Calendar No.

Purpose: To provide for review of previous actions.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

S. 2248

AMENDMENT No. 3929

To amend	By <u>Leahy</u>	978,
to		Act,
and	To:	
	<u>S. 2248</u>	
	<u>5</u>	
Referr	Page(s)	and

GPO: 2008 30-772 (Rev)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LEAHY (for himself, Mr. KENNEDY, Mr. MENENDEZ, and Ms. MIKULSKI)

Viz:

- 1 On page 82, after the matter following line 5, add
- 2 the following:
- 3 **SEC. 206. REVIEW OF PREVIOUS ACTIONS.**
- 4 (a) DEFINITIONS.—In this section:
- 5 (1) APPROPRIATE COMMITTEES OF CON-
- 6 GRESS.—The term “appropriate committees of Con-
- 7 gress” means—

1 (A) the Select Committee on Intelligence
2 and the Committee on the Judiciary of the Sen-
3 ate; and

4 (B) the Permanent Select Committee on
5 Intelligence and the Committee on the Judici-
6 ary of the House of Representatives.

7 (2) TERRORIST SURVEILLANCE PROGRAM AND
8 PROGRAM.—The terms “Terrorist Surveillance Pro-
9 gram” and “Program” mean the intelligence activity
10 involving communications that was authorized by the
11 President during the period beginning on September
12 11, 2001, and ending on January 17, 2007.

13 (b) REVIEWS.—

14 (1) REQUIREMENT TO CONDUCT.—The Inspec-
15 tors General of the Office of the Director of Na-
16 tional Intelligence, the Department of Justice, the
17 National Security Agency, and any other element of
18 the intelligence community that participated in the
19 Terrorist Surveillance Program shall work in con-
20 junction to complete a comprehensive review of, with
21 respect to the oversight authority and responsibility
22 of each such Inspector General—

23 (A) all of the facts necessary to describe
24 the establishment, implementation, product, and
25 use of the product of the Program;

1 (B) the procedures and substance of, and
2 access to, the legal reviews of the Program;

3 (C) communications with, and participa-
4 tion of, individuals and entities in the private
5 sector related to the Program;

6 (D) interaction with the Foreign Intel-
7 ligence Surveillance Court and transition to
8 court orders related to the Program; and

9 (E) any other matters identified by any
10 such Inspector General that would enable that
11 Inspector General to report a complete descrip-
12 tion of the Program, with respect to such ele-
13 ment.

14 (2) COOPERATION.—Each Inspector General re-
15 quired to conduct a review under paragraph (1)
16 shall—

17 (A) work in conjunction, to the extent pos-
18 sible, with any other Inspector General required
19 to conduct such a review; and

20 (B) utilize to the extent practicable, and
21 not unnecessarily duplicate or delay, such re-
22 views or audits that have been completed or are
23 being undertaken by any such Inspector Gen-
24 eral or by any other office of the Executive
25 Branch related to the Program.

1 (c) REPORTS.—

2 (1) PRELIMINARY REPORTS.—Not later than 60
3 days after the date of the enactment of this Act, the
4 Inspectors General of the Office of the Director of
5 National Intelligence, the Department of Justice,
6 and the National Security Agency, in conjunction
7 with any other Inspector General required to con-
8 duct a review under subsection (b)(1), shall submit
9 to the appropriate committees of Congress an in-
10 terim report that describes the planned scope of
11 such review.

12 (2) FINAL REPORT.—Not later than 1 year
13 after the date of the enactment of this Act, the In-
14 spectors General required to conduct such a review
15 shall submit to the appropriate committees of Con-
16 gress, to the extent practicable, a comprehensive re-
17 port on such reviews that includes any recommenda-
18 tions of any such Inspectors General within the over-
19 sight authority and responsibility of any such In-
20 spector General with respect to the reviews.

21 (3) FORM.—A report submitted under this sub-
22 section shall be submitted in unclassified form, but
23 may include a classified annex. The unclassified re-
24 port shall not disclose the name or identity of any
25 individual or entity of the private sector that partici-

1 pated in the Program or with whom there was com-
2 munication about the Program.

3 (d) RESOURCES.—

4 (1) EXPEDITED SECURITY CLEARANCE.—The
5 Director of National Intelligence shall ensure that
6 the process for the investigation and adjudication of
7 an application by an Inspector General or any ap-
8 propriate staff of an Inspector General for a security
9 clearance necessary for the conduct of the review
10 under subsection (b)(1) is carried out as expedi-
11 tiously as possible.

12 (2) ADDITIONAL LEGAL AND OTHER PER-
13 SONNEL FOR THE INSPECTORS GENERAL.—An In-
14 spector General required to conduct a review under
15 subsection (b)(1) and submit a report under sub-
16 section (c) is authorized to hire such additional legal
17 or other personnel as may be necessary to carry out
18 such review and prepare such report in a prompt
19 and timely manner. Personnel authorized to be hired
20 under this paragraph—

21 (A) shall perform such duties relating to
22 such a review as the relevant Inspector General
23 shall direct; and

24 (B) are in addition to any other personnel
25 authorized by law.