

AMENDMENT NO.

Calendar No.

Purpose: To allow the FISA court additional discretion.

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 Mr. FEINGOLD

Viz:

- 1 In the second sentence of section 703(k)(2) of the
- 2 Foreign Intelligence Surveillance Act of 1978, as added
- 3 by section 101 of the bill, strike “shall” and insert “may”.

AMENDMENT No. _____

Calendar No. _____

Purpose: To provide for greater FISA court oversight

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.

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AMENDMENT intended to be proposed by _____

Viz:

(1) On page 21, strike line 5 and all that follows through line 13, and insert the following:

“(B) CONTINUATION OF ACQUISITION PENDING REHEARING. – Any acquisitions affected by an order under paragraph (5)(B) may continue during the pendency of any rehearing of the order by the Court en banc.

(C) STAY PENDING APPEAL.— The Government may move for a stay of any order of the Foreign Intelligence Surveillance Court under paragraph (5)(B) during the pendency of any appeal of the order to the Foreign Intelligence Surveillance Court of Review.

(D) CONTINUATION OF ACQUISITION PENDING DISPOSITION OF PETITION FOR STAY PENDING APPEAL. – Any acquisitions affected by an order under paragraph (5)(B) may continue during the pendency of a government request for a stay under paragraph (6)(C).

(2) On page 21, line 14, replace “(C)” with “(E)”