

**Calendar No. 607**109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2455**

To provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MARCH 16 (legislative day, MARCH 15), 2006

Mr. DEWINE (for himself, Mr. GRAHAM, Mr. HAGEL, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 13, 2006

Reported by Mr. SPECTER, without amendment

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**A BILL**

To provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, 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 “Terrorist Surveillance  
3 Act of 2006”.

4 **SEC. 2. TERRORIST SURVEILLANCE PROGRAM.**

5 (a) IN GENERAL.—Notwithstanding any provision of  
6 the Foreign Intelligence Surveillance Act of 1978 (50  
7 U.S.C. 1801 et seq.), chapter 119 of title 18, United  
8 States Code, or any other provision of law related to the  
9 interception or collection of communications, the Presi-  
10 dent, through the Attorney General, may authorize a pro-  
11 gram of electronic surveillance without a court order for  
12 periods of up to 45 days if—

13 (1) the President determines that the surveil-  
14 lance is necessary to protect the United States, its  
15 citizens, or its interests, whether inside the United  
16 States or outside the United States;

17 (2) there is probable cause to believe that one  
18 party subject to the surveillance is an agent or mem-  
19 ber of a group or organization, affiliated with a  
20 group or organization, or working in support of a  
21 group or organization on the list established under  
22 section 3;

23 (3) the surveillance is initiated and conducted  
24 in a manner reasonably designed to acquire only  
25 communications to or from the United States  
26 where—

1 (A) at least one party to such communica-  
2 tions is reasonably believed to be physically lo-  
3 cated outside the United States; or

4 (B) such communications appear to origi-  
5 nate or terminate outside the United States;

6 (4) there is not a substantial likelihood that the  
7 surveillance will acquire the substance of any com-  
8 munication where every party to such communica-  
9 tion is physically located within the United States;

10 (5) a significant purpose of the surveillance is  
11 to obtain foreign intelligence information; and

12 (6) minimization procedures are in place with  
13 respect to the surveillance which meet the standards  
14 for minimization procedures under section 101(h) of  
15 the Foreign Intelligence Surveillance Act of 1978  
16 (50 U.S.C. 1801(h)).

17 (b) SCOPE.—

18 (1) BASIS.—Electronic surveillance carried out  
19 pursuant to the authority in subsection (a) shall not  
20 be conducted solely on the basis of activities pro-  
21 tected by the first amendment to the Constitution of  
22 the United States.

23 (2) TARGETING DECISIONS.—The President  
24 may rely on intelligence community professionals to  
25 make targeting decisions during the course of elec-

1       tronic surveillance carried out pursuant to the au-  
2       thority in subsection (a) based on all lawfully col-  
3       lected information available to such professionals at  
4       the time of such decisions.

5       (c) DESIGNATION OF PROGRAM.—Electronic surveil-  
6       lance carried out pursuant to the authority in subsection  
7       (a) shall be known as the “Terrorist Surveillance Pro-  
8       gram”.

9       (d) MINIMIZATION PROCEDURES.—

10           (1) INITIAL PROCEDURES.—The Attorney Gen-  
11       eral shall establish the minimization procedures re-  
12       quired by subsection (a)(6) not later than 30 days  
13       after the date of the enactment of this Act.

14           (2) UPDATES.—The Attorney General shall up-  
15       date the minimization procedures under this sub-  
16       section at such times as the Attorney General con-  
17       siders appropriate, but not less often than annually.

18       (e) SUPPORT OF SURVEILLANCE.—With respect to  
19       any electronic surveillance authorized by subsection (a),  
20       the Attorney General may direct a specified provider of  
21       communication services or common carrier to—

22           (1) furnish all information, facilities, or tech-  
23       nical assistance necessary to accomplish the surveil-  
24       lance in such a manner as will protect its secrecy  
25       and produce a minimum of interference with the

1 services that such carrier is providing its customers;  
2 and

3 (2) maintain under security procedures ap-  
4 proved by the Attorney General and the Director of  
5 National Intelligence any records concerning the sur-  
6 veillance or assistance furnished that such carrier  
7 determines to retain.

8 (f) USE OF INFORMATION.—

9 (1) DISCLOSURE OF INFORMATION ON UNITED  
10 STATES PERSONS.—Information acquired from elec-  
11 tronic surveillance conducted pursuant to this sec-  
12 tion concerning any United States person may be  
13 used or disclosed by Federal officers or employees  
14 without the consent of the United States person only  
15 in accordance with the minimization procedures re-  
16 quired by subsection (a)(6).

17 (2) USES OF INFORMATION.—No information  
18 acquired from electronic surveillance conducted pur-  
19 suant to this section may be used or disclosed by  
20 Federal officers or employees except for lawful pur-  
21 poses, including the provision of a factual predicate  
22 for an order for electronic surveillance under section  
23 104 of the Foreign Intelligence Surveillance Act of  
24 1978 (50 U.S.C. 1804), dissemination to appro-  
25 priate authorities consistent with the minimization

1 procedures required by subsection (a)(6), and use as  
2 evidence in a criminal proceeding consistent with  
3 section 106 of the Foreign Intelligence Surveillance  
4 Act of 1978 (50 U.S.C. 1806).

5 **SEC. 3. TERRORIST SURVEILLANCE LIST.**

6 (a) IN GENERAL.—The President shall establish and  
7 maintain for purposes of this Act a list of groups and or-  
8 ganizations that are subject to electronic surveillance au-  
9 thorized under the Terrorist Surveillance Program. The  
10 list shall be known as the “Terrorist Surveillance List”.

11 (b) REQUIREMENTS FOR LISTING.—A group or orga-  
12 nization may be placed on the list under this section only  
13 if the President determines that there is a reasonable like-  
14 lihood that the group or organization, as the case may  
15 be—

16 (1) has engaged in an act of international ter-  
17 rorism against the United States, its citizens, or its  
18 interests, whether inside the United States or out-  
19 side the United States;

20 (2) intends to engage in an act of international  
21 terrorism against the United States, its citizens, or  
22 its interests, whether inside the United States or  
23 outside the United States; or

24 (3) is engaged in activities in preparation for an  
25 actual or potential act of international terrorism

1       against the United States, its citizens, or its inter-  
2       ests, whether inside the United States or outside the  
3       United States.

4       (c) UPDATES.—The President shall update the list  
5       under this section at such times as the President considers  
6       appropriate, but not less often than annually, including  
7       determining whether a group or organization placed on the  
8       Terrorist Surveillance List should be removed from the  
9       list.

10   **SEC. 4. PROGRAM REVIEW AND REAUTHORIZATION.**

11       (a) IN GENERAL.—Not later than 45 days after the  
12       commencement of the Terrorist Surveillance Program and  
13       45 days after the continuation of the Terrorist Surveil-  
14       lance Program pursuant to a determination under sub-  
15       section (b), the Attorney General shall review the conduct  
16       of the program in order to determine the following:

17               (1) Whether the surveillance under the program  
18       met the requirements of section 2(a) during the pe-  
19       riod covered by the review.

20               (2) Whether to recommend the continuation of  
21       the program for another 45 days.

22       (b) CONTINUATION OF THE TERRORIST SURVEIL-  
23       LANCE PROGRAM.—

24               (1) DETERMINATION ON CONTINUATION.—

25       Upon completion of the review of the Terrorist Sur-

1       veillance Program by the Attorney General under  
2       subsection (a), the President shall determine the fol-  
3       lowing:

4               (A) Whether the Terrorist Surveillance  
5       Program remains necessary to protect the  
6       United States, its citizens, or interests, whether  
7       inside the United States or outside the United  
8       States.

9               (B) Whether to continue the Terrorist Sur-  
10      veillance Program.

11              (2) CONTINUATION.—If the President deter-  
12      mines under paragraph (1) to continue the Terrorist  
13      Surveillance Program, the President, through the  
14      Attorney General, may continue the program for an  
15      additional period of 45 days, subject to the require-  
16      ments of section 2(a).

17              (3) DISCONTINUATION.—If the President deter-  
18      mines under paragraph (1) to discontinue the Ter-  
19      rorist Surveillance Program, the President shall dis-  
20      continue the program in a prompt manner.

21              (4) RECOMMENCEMENT OF PROGRAM.—At any  
22      time after the discontinuation of the Terrorist Sur-  
23      veillance Program under paragraph (3), the Presi-  
24      dent may recommence the program or any other  
25      program of electronic surveillance under this Act if

1 the President determines that the requirements of  
2 section 2(a) are met.

3 (c) CERTIFICATION.—Following completion of any re-  
4 view of a program of surveillance under this section, the  
5 Attorney General shall certify in writing and under oath,  
6 to the congressional intelligence committees, whether the  
7 program of surveillance, during the period covered by the  
8 review, met the requirements of section 2(a).

9 (d) REVIEW.—The Attorney General shall conduct  
10 review of the Terrorist Surveillance Program under this  
11 section pursuant to such procedures as the Attorney Gen-  
12 eral shall establish for purposes of this section.

13 **SEC. 5. REVIEW OF SURVEILLANCE OF INDIVIDUAL TAR-**  
14 **GETS.**

15 (a) IN GENERAL.—When conducting a 45-day review  
16 under section 4, the Attorney General shall also review  
17 the surveillance of individual targets within the United  
18 States under the program during the period covered by  
19 the review. During such review, the Attorney General shall  
20 determine the following:

21 (1) Whether the known facts and circumstances  
22 relating to any target within the United States—

23 (A) met the requirements of section 2(a)  
24 during the period covered by the review; and

1 (B) satisfy the criteria for an application  
2 under section 104 of the Foreign Intelligence  
3 Surveillance Act of 1978 (50 U.S.C. 1804) for  
4 an order for electronic surveillance of the target  
5 under section 105 of that Act (50 U.S.C.  
6 1805).

7 (2) Whether to terminate surveillance on the  
8 target.

9 (3) Whether to continue surveillance under sec-  
10 tion 2(a).

11 (b) CONTINUED SURVEILLANCE UNDER FISA.—

12 (1) IN GENERAL.—

13 (A) DETERMINATION.—If, at any time (in-  
14 cluding through a review of electronic surveil-  
15 lance under section 4), the Attorney General  
16 determines that the known facts and cir-  
17 cumstances relating to any target within the  
18 United States satisfy the criteria for an applica-  
19 tion under section 104 of the Foreign Intel-  
20 ligence Surveillance Act of 1978 for an order  
21 for electronic surveillance of the target under  
22 section 105 of that Act, the Attorney General,  
23 at the direction of the President, shall—

24 (i) discontinue the surveillance of the  
25 target under section 2(a); or

1           (ii) continue the surveillance of the  
2 target under section 2(a), subject to the  
3 requirements of subparagraph (B).

4 (B) CONTINUATION OF SURVEILLANCE.—

5           (i) IN GENERAL.—The Attorney Gen-  
6 eral may continue surveillance of a target  
7 under section 2(a) as specified in subpara-  
8 graph (A)(ii) only if the Attorney General  
9 makes an application under section 104 of  
10 the Foreign Intelligence Surveillance Act of  
11 1978 for an order for electronic surveil-  
12 lance of the target under section 105 of  
13 that Act as soon as practicable after the  
14 date on which the Attorney General makes  
15 the determination to continue surveillance  
16 of the target under subparagraph (A)(ii),  
17 but in no event later than seven days after  
18 the date of such determination.

19           (ii) PERIOD.—The period during  
20 which the Attorney General may continue  
21 surveillance of a target under section 2(a)  
22 as specified in subparagraph (A)(ii) shall  
23 be limited to the period during which the  
24 application of the Attorney General under  
25 section 104 of the Foreign Intelligence

1           Surveillance Act of 1978 for an order for  
2           electronic surveillance of the target under  
3           section 105 of that Act is pending under  
4           that Act, including during any period in  
5           which appeal from the denial of the appli-  
6           cation is pending under the court of review  
7           or the Supreme Court under section  
8           103(b) of that Act (50 U.S.C. 1803(b)).

9           (c) DISCONTINUATION OF SURVEILLANCE.—If the  
10          Attorney General determines through a review of elec-  
11          tronic surveillance under this section that the known facts  
12          and circumstances relating to any target within the United  
13          States do not meet the requirements of section 2(a) and  
14          do not satisfy the criteria for an application under section  
15          104 of the Foreign Intelligence Surveillance Act of 1978  
16          (50 U.S.C. 1804) for an order for electronic surveillance  
17          of the target under section 105 of that Act (50 U.S.C.  
18          1805), the Attorney General shall discontinue the surveil-  
19          lance of the target under section 2(a).

20          (d) CONTINUED SURVEILLANCE UNDER SECTION  
21          2(a).—

22                  (1) PRESUMPTION.—In reviewing the electronic  
23          surveillance of a target in the United States under  
24          this section, the Attorney General shall presume that  
25          electronic surveillance of a target shall be conducted

1 under the Foreign Intelligence Surveillance Act of  
2 1978 or be terminated.

3 (2) REBUTTAL OF PRESUMPTION.—The pre-  
4 sumption under paragraph (1) with respect to a tar-  
5 get can be rebutted, and the Attorney General may  
6 continue the surveillance of a target under section  
7 2(a), if—

8 (A) the Attorney General determines,  
9 based on the known facts and circumstances re-  
10 lating to such target, that—

11 (i) the surveillance of the target dur-  
12 ing the previous 45-day period satisfied the  
13 requirements of section 2(a); and

14 (ii) there is a good faith belief that  
15 continued surveillance will result in the ac-  
16 quisition of foreign intelligence informa-  
17 tion; and

18 (B) the President determines that contin-  
19 ued surveillance of the target is necessary to  
20 protect the United States, its citizens, or inter-  
21 ests, whether inside the United States or out-  
22 side the United States.

23 (e) CERTIFICATION.—If the Attorney General decides  
24 to continue surveillance of a target under section 2(a), not  
25 later than 72 hours after the Attorney General conducts

1 the applicable review under subsection (a), the Attorney  
2 General shall certify in writing and under oath to the ter-  
3 rorist surveillance subcommittees that—

4           (1) the surveillance of the target during the  
5 previous 45-day period satisfied the requirements of  
6 section 2(a);

7           (2) the known facts and circumstances relating  
8 to the target do not satisfy the criteria for an appli-  
9 cation under section 104 of the Foreign Intelligence  
10 Surveillance Act of 1978 for an order for electronic  
11 surveillance of the target under section 105 of that  
12 Act;

13           (3) the President has determined that contin-  
14 ued surveillance of the target without a court order  
15 is necessary to protect the United States, its citi-  
16 zens, or interests; and

17           (4) continued surveillance is being undertaken  
18 in a good faith belief that it will result in the acqui-  
19 sition of foreign intelligence information.

20           (f) SUBMITTING CERTIFICATION TO FISA COURT.—

21 Section 104(a) of the Foreign Intelligence Surveillance  
22 Act of 1978 (50 U.S.C. 1804(a)) is amended—

23           (1) in paragraph (10), by striking “and” at the  
24 end;

1           (2) in paragraph (11), by striking the period at  
2           the end and inserting “; and”; and

3           (3) by adding at the end the following:

4           “(12) if applicable, each certification under sec-  
5           tion 5(e) of the Terrorist Surveillance Act of 2006  
6           relating to the continued surveillance of the target of  
7           the electronic surveillance that is the subject of the  
8           application.”.

9   **SEC. 6. REGULAR AND ONGOING OVERSIGHT BY CON-**  
10                                   **GRESS.**

11           (a) SENATE TERRORIST SURVEILLANCE SUB-  
12   COMMITTEE.—The Select Committee on Intelligence of the  
13   Senate shall designate the creation of a Subcommittee, in  
14   accordance with the Rules of the Senate, with the exclusive  
15   jurisdiction to oversee and monitor all matters relating to  
16   surveillance conducted by the President under the Ter-  
17   rorist Surveillance Program. The Subcommittee shall be  
18   authorized to employ staff members, as needed, with the  
19   technical and subject matter expertise necessary to assist  
20   the Subcommittee in conducting regular, ongoing over-  
21   sight of any surveillance conducted by the President under  
22   the Terrorist Surveillance Program. The staff members  
23   shall work exclusively for, and report exclusively to, the  
24   Subcommittee.

1           (b) HOUSE TERRORIST SURVEILLANCE SUB-  
2 COMMITTEE.—The Permanent Select Committee on Intel-  
3 ligence of the House of Representatives shall designate the  
4 creation of a Subcommittee, in accordance with the Rules  
5 of the House of Representatives, with the exclusive juris-  
6 diction to oversee and monitor all matters relating to sur-  
7 veillance conducted by the President under the Terrorist  
8 Surveillance Program. The Subcommittee shall be author-  
9 ized to employ staff members, as needed, with the tech-  
10 nical and subject matter expertise necessary to assist the  
11 Subcommittee in conducting regular, ongoing oversight of  
12 any surveillance conducted by the President under the  
13 Terrorist Surveillance Program. The staff members shall  
14 work exclusively for, and report exclusively to, the Sub-  
15 committee.

16           (c) SUBMITTALS TO FULL INTELLIGENCE COMMIT-  
17 TEES.—

18                   (1) TERRORIST SURVEILLANCE LIST.—

19                           (A) IN GENERAL.—Not later than 60 days  
20 after the date of the enactment of this Act, and  
21 annually thereafter, the President shall submit  
22 to the congressional leadership and the congress-  
23 sional intelligence committees a current version  
24 of the list established under section 3.

1 (B) UPDATES.—Not later than 72 hours  
2 after any update or modification of the list es-  
3 tablished under section 3, the President shall  
4 submit to the congressional intelligence commit-  
5 tees a current version of the list, showing such  
6 update or modification.

7 (2) REVIEW PROCEDURES.—

8 (A) IN GENERAL.—The Attorney General  
9 shall submit to the congressional intelligence  
10 committees the review procedures established  
11 under section 4(d).

12 (B) UPDATES.—Not later than 72 hours  
13 after any update or modification of the review  
14 procedures established under section 4(d), the  
15 Attorney General shall submit to the congres-  
16 sional intelligence committees a current version  
17 of the procedures, showing such update or  
18 modification.

19 (3) NOTICE OF SURVEILLANCE.—Not later than  
20 72 hours after the commencement of a program of  
21 electronic surveillance under section 2(a) or the con-  
22 tinuation, discontinuation, or recommencement of a  
23 program of electronic surveillance under section  
24 2(a), the President shall provide notice of such ac-  
25 tion to the congressional intelligence committees.

1 (4) MINIMIZATION PROCEDURES.—

2 (A) IN GENERAL.—The Attorney General  
3 shall submit to the congressional intelligence  
4 committees the minimization procedures estab-  
5 lished under section 2(d).

6 (B) UPDATES.—Not later than 72 hours  
7 after any update to or modification of the mini-  
8 mization procedures established under section  
9 2(d), the Attorney General shall submit to the  
10 congressional intelligence committees the up-  
11 dated or modified version of the minimization  
12 procedures.

13 (5) FORM OF SUBMITTALS.—Any matter sub-  
14 mitted under this subsection shall be submitted in  
15 classified form.

16 (d) SUBMITTALS TO SUBCOMMITTEES.—

17 (1) IN GENERAL.—The President shall submit  
18 to the terrorist surveillance subcommittees a report  
19 on the management and operational details of the  
20 Terrorist Surveillance Program generally and on any  
21 specific surveillance conducted under the Terrorist  
22 Surveillance Program whenever requested by either  
23 of the terrorist surveillance subcommittees.

24 (2) SEMI-ANNUAL REPORTS.—

1 (A) IN GENERAL.—In addition to any re-  
2 ports required under paragraph (1), the Presi-  
3 dent shall, not later than 6 months after the  
4 date of the enactment of this Act and every 6  
5 months thereafter, fully inform the terrorist  
6 surveillance subcommittees on all electronic sur-  
7 veillance conducted under the Terrorist Surveil-  
8 lance Program.

9 (B) CONTENTS.—Each report under sub-  
10 paragraph (A) shall include the following:

11 (i) A complete discussion of the man-  
12 agement, operational details, effectiveness,  
13 and necessity of the Terrorist Surveillance  
14 Program generally, and of the manage-  
15 ment, operational details, effectiveness,  
16 and necessity of all electronic surveillance  
17 conducted under the program, during the  
18 six-month period ending on the date of  
19 such report.

20 (ii) For any target located within the  
21 United States subject to surveillance under  
22 the Terrorist Surveillance Program for  
23 more than 45 days—

24 (I) an explanation why continued  
25 surveillance of the subject is necessary

1 to protect the United States, its citi-  
2 zens, or interests; and

3 (II) an explanation why the At-  
4 torney General has not sought an  
5 order for the approval of electronic  
6 surveillance of the subject under the  
7 Foreign Intelligence Surveillance Act  
8 of 1978 (50 U.S.C. 1801 et seq.).

9 (iii) The total number of targets of  
10 electronic surveillance within the United  
11 States during the preceding 6-month pe-  
12 riod either commenced or continued under  
13 the Terrorist Surveillance Program.

14 (iv) The total number of United  
15 States persons targeted for electronic sur-  
16 veillance during the preceding 6-month pe-  
17 riod under the Terrorist Surveillance Pro-  
18 gram.

19 (v) The total number of targets of  
20 electronic surveillance within the United  
21 States during the preceding 6-month pe-  
22 riod under the Terrorist Surveillance Pro-  
23 gram for which, an application was made  
24 under section 104 of the Foreign Intel-  
25 ligence Surveillance Act of 1978 (50

1 U.S.C. 1804) for an order under section  
2 105 of that Act (50 U.S.C. 1805) approv-  
3 ing electronic surveillance under that Act,  
4 and, of such applications, the total number  
5 either granted, modified, or denied.

6 (vi) Any other information specified,  
7 in writing, to be included in such report by  
8 either of the terrorist surveillance sub-  
9 committees.

10 (vii) A description of the nature of the  
11 information sought under the Terrorist  
12 Surveillance Program, the types of commu-  
13 nications subjected to such program, and  
14 whether the information sought under such  
15 program could be reasonably obtained by  
16 less intrusive investigative techniques in a  
17 timely and effective manner.

18 (3) FORM OF REPORTS.—Any report or infor-  
19 mation submitted under this subsection shall be sub-  
20 mitted in classified form.

21 (e) ANNUAL REPORTS BY SUBCOMMITTEES.—The  
22 terrorist surveillance subcommittees shall prepare sepa-  
23 rate annual reports on the Terrorist Surveillance Pro-  
24 gram, including the program's effectiveness, its manage-  
25 ment, its operational details, and any other matters that

1 the subcommittees consider appropriate. Each report shall  
2 be prepared in a classified form.

3 **SEC. 7. SUNSET.**

4 This Act and the amendments made by this Act are  
5 repealed effective on the date that is 5 years after the date  
6 of enactment of this Act.

7 **SEC. 8. CRIMINAL PENALTIES FOR UNAUTHORIZED DIS-**  
8 **CLOSURE OF INFORMATION ON SURVEIL-**  
9 **LANCE PROGRAMS.**

10 (a) ESTABLISHMENT OF OFFENSE.—Chapter 37 of  
11 title 18, United States Code, is amended by inserting after  
12 section 798A the following new section:

13 **“§ 798B. Unauthorized disclosure of information on**  
14 **surveillance programs**

15 “(a) IN GENERAL.—Any covered person who inten-  
16 tionally discloses information identifying or describing,  
17 whether in whole or in part, electronic surveillance author-  
18 ized by section 2 of the Terrorist Surveillance Act of 2006,  
19 or any other information relating to the Terrorist Surveil-  
20 lance Program under that Act or any program of surveil-  
21 lance under the Foreign Intelligence Surveillance Act of  
22 1978 (50 U.S.C. 1801 et seq.) to any individual not au-  
23 thorized to receive such information shall be fined not  
24 more than \$1,000,000, imprisoned not more than 15  
25 years, or both.

1       “(b) DEFINITION.—In this section, the term ‘covered  
2 person’ means any person authorized to receive informa-  
3 tion under the Terrorist Surveillance Act of 2006, or the  
4 Foreign Intelligence Surveillance Act of 1978.”.

5       (b) CLERICAL AMENDMENT.—The table of sections  
6 at the beginning of such chapter is amended by inserting  
7 after the item relating to section 798A the following new  
8 item:

“798B. Unauthorized disclosure of information on surveillance programs.”.

9 **SEC. 9. DEFINITIONS.**

10       In this Act—

11           (1) the term “congressional intelligence commit-  
12 tees” means—

13                   (A) each member of the Select Committee  
14 on Intelligence of the Senate; and

15                   (B) each member of the Permanent Select  
16 Committee on Intelligence of the House of Rep-  
17 resentatives;

18           (2) the term “congressional leadership”  
19 means—

20                   (A) the Speaker of the House of Rep-  
21 resentatives and the Minority Leader of the  
22 House of Representatives; and

23                   (B) the Majority Leader and Minority  
24 Leader of the Senate;

1           (3) the terms “international terrorism”, “elec-  
2           tronic surveillance”, “foreign intelligence informa-  
3           tion”, and “United States person” have the meaning  
4           given such terms in section 101 of the Foreign Intel-  
5           ligence Surveillance Act of 1978 (50 U.S.C. 1801);  
6           and

7           (4) the term “terrorist surveillance subcommit-  
8           tees” means the subcommittees of the Select Com-  
9           mittee on Intelligence of the Senate and the Perma-  
10          nent Select Committee on Intelligence of the House  
11          of Representatives created under section 6(a) and  
12          (b).



Calendar No. 607

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION  
**S. 2455**

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**A BILL**

To provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes.

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SEPTEMBER 13, 2006

Reported without amendment