

AMENDMENT NO.

Calendar No.

Purpose: To provide for review of previous actions.

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

(no.)

(title)

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. ROCKEFELLER

Viz:

1 After section 204, insert the following:

2 **SEC. 205. REVIEW OF PREVIOUS ACTIONS.**3 (a) **DEFINITIONS.**—In this section:4 (1) **APPROPRIATE COMMITTEES OF CON-**  
5 **GRESS.**—The term “appropriate committees of Con-  
6 **gress”** means—7 (A) the Select Committee on Intelligence  
8 and the Committee on the Judiciary of the Sen-  
9 ate; and10 (B) the Permanent Select Committee on  
11 Intelligence and the Committee on the Judici-  
12 ary of the House of Representatives.

1           (2) **TERRORIST SURVEILLANCE PROGRAM AND**  
2 **PROGRAM.**—The terms “Terrorist Surveillance Pro-  
3 gram” and “Program” mean the intelligence activity  
4 involving communications that was authorized by the  
5 President during the period beginning on September  
6 11, 2001, and ending on January 17, 2007.

7 (b) **REVIEWS.**—

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

17           (A) all of the facts necessary to describe  
18 the establishment, implementation, product, and  
19 use of the product of the Program;

20           (B) the procedures and substance of, and  
21 access to, the legal reviews of the Program;

22           (C) communications with, and participa-  
23 tion of, individuals and entities in the private  
24 sector related to the Program;

1 (D) interaction with the Foreign Intel-  
2 ligence Surveillance Court and transition to  
3 court orders related to the Program; and

4 (E) any other matters identified by any  
5 such Inspector General that would enable that  
6 Inspector General to report a complete descrip-  
7 tion of the Program, with respect to such ele-  
8 ment.

9 (2) COOPERATION.—Each Inspector General re-  
10 quired to conduct a review under paragraph (1)  
11 shall—

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

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

21 (c) REPORTS.—

22 (1) PRELIMINARY REPORTS.—Not later than 60  
23 days after the date of the enactment of this Act, the  
24 Inspectors General of the Office of the Director of  
25 National Intelligence, the Department of Justice,

1 and the National Security Agency, in conjunction  
2 with any other Inspector General required to con-  
3 duct a review under subsection (b)(1), shall submit  
4 to the appropriate committees of Congress an in-  
5 terim report that describes the planned scope of  
6 such review.

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

16 (3) FORM.—A report submitted under this sub-  
17 section shall be submitted in unclassified form, but  
18 may include a classified annex. The unclassified re-  
19 port shall not disclose the name or identity of any  
20 individual or entity of the private sector that partici-  
21 pated in the Program or with whom there was com-  
22 munication about the Program.

23 (d) RESOURCES.—

24 (1) EXPEDITED SECURITY CLEARANCE.—The  
25 Director of National Intelligence shall ensure that

1 the process for the investigation and adjudication of  
2 an application by an Inspector General or any ap-  
3 propriate staff of an Inspector General for a security  
4 clearance necessary for the conduct of the review  
5 under subsection (b)(1) is carried out as expedi-  
6 tiously as possible.

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

16 (A) shall perform such duties relating to  
17 such a review as the relevant Inspector General  
18 shall direct; and

19 (B) are in addition to any other personnel  
20 authorized by law