

MAJOR NSA BILLS	FRIST-MCCONNELL – SPECTER-CHENEY S. 3931	DEWINE S. 2455	FEINSTEIN-SPECTER S. 3001	WILSON H.R. 5825
<b>Allows warrantless surveillance of Americans’ int’l calls and e-mails without any evidence of conspiracy with al Qaeda.</b>	Yes. Changes FISA’s definitions so that calls and e-mails of American residents and businesses would no longer need warrants to be acquired by the NSA unless the sender and all recipients are in the US. FISA’s minimization rules would not apply to conversations gathered because they would not count as “electronic surveillance.”	Yes. Allows exception to warrant requirement and changes probable cause to allow int’l calls and e-mails of Americans to be seized without any judicial check if the Bush Administration tells the Intelligence Committee every 45 days that its warrantless surveillance program is focused on people talking to people associated with or supporting terrorism.	No. But does fix the technological concern raised by the administration that foreign to foreign communications routed through the US would require a warrant by clarifying that no warrant is needed. Allows international calls and e-mails to be intercepted if an American is conspiring with al Qaeda, with a warrant or in an emergency.	Yes. Almost the same as S. 3931. Changes definition of electronic surveillance so that FISA orders only needed if a) the communication is purely domestic, and b) a U.S. person is intentionally targeted. Any ‘accidentally’ acquired U.S. communications can be kept indefinitely and disseminated.
<b>Allows the AG to order companies to give the NSA access to communications and equipment, without judicial check or any proof to any court that the Americans whose</b>	Yes. Expands the foreign embassy exception to warrants by allowing the AG to order secret cooperation of “any person” in the US to give access to communications, equipment or stored communications. Warrantless surveillance of businesses incorporated abroad or foreign	Yes. Allows the TSP to continue without judicial check, allowing the AG to continue to make whatever certifications have been given to get access to Americans’ communications	No. Requires the AG to seek court approval, after the fact or in an emergency, to conduct electronic surveillance of Americans if they are conspiring with or aiding al Qaeda agents, as with current law. However, streamlines procedures for seeking court orders but	Yes. Same as S.3931 in allowing the TSP to continue without individual warrants through rewriting these provisions as well as sections.

<p><b>whose communications are acquired are conspiring with al Qaeda.</b></p>	<p>incorporated abroad or foreign nationals having nothing to do with al Qaeda under the revised definitions would be allowed even when there is a substantial likelihood of sweeping in Americans calls. Businesses that cooperate get paid and civil and criminal immunity.</p>	<p>communications without warrants to continue.</p>	<p>seeking court orders, but reinforces that the Fourth Amendment's protections for Americans unless they are doing something wrong and then a warrant can easily be obtained or sought after the fact. .</p>	
<p><b>Allows warrantless physical searches of Americans' homes, without any evidence to a court that an American is conspiring with al Qaeda.</b></p>	<p>Yes. Deletes the provision in FISA that says that its procedures apply during war, requiring warrants to search an American residence or business or seize communications, except for the first 15 days after a declaration of war. This allows the president to claim that FISA does not apply during wartime.</p>	<p>No.</p>	<p>No.</p>	<p>Yes. Authorizes warrantless physical and electronic searches for extended periods after "an armed attack against the territory of the United States.</p>
<p><b>Recognizes inherent, exclusive power of president to unilaterally, secretly, and indefinitely wiretap anyone he designates, without any individualized judicial check required.</b></p>	<p>Yes. Changes Title 18 to decriminalize wiretapping without warrants. And the optional FISA court "program" approval process does not cure this because the court need not be told the names of Americans' wiretapped, the individual reason why they are being tapped, the method of surveillance (tapping their</p>	<p>Yes. By allowing the president to bypass the courts and simply inform the Intelligence Committee every 45 days that he needs a TSP (just as he already certifies to himself), the bill gives statutory</p>	<p>No. The bill reinforces the exclusive requirements of FISA, preserving the carefully calibrated checks in the courts and Congress to ensure that our precious antiterrorism resources are focused on al Qaeda and not wasted on Americans who have done nothing wrong. The FISA court has</p>	<p>Yes. Allows wiretapping of int'l communications without court review. Also allows warrantless surveillance for extended periods after an "armed attack"; for infinitely renewable 90-day</p>

<p><b>required.</b></p>	<p>surveillance (tapping their phones or bugging their homes) or if the tap proves useless. And the statute would allow the court to approve programs of surveillance, even for threats of substantial economic harm. Would also strip other courts of jurisdiction to hear challenges to foreign intelligence gathering programs—so broad it could sweep in FOIA suits—and expands punishments for disclosing information about foreign intelligence gathering even if in violation of the law—to chill whistleblowers.</p>	<p>gives statutory support for the president’s claim that he need not get court approval, before listening to Americans’ conversations or after the fact. Neither the courts nor Congress will ever be told the names, reasons, methods or results of warrantless surveillance.</p>	<p>The FISA court has approved over 99.99% of all search orders sought and if an American were aiding al Qaeda the court would approve a wiretap, in advance or afterward in an emergency.</p>	<p>renewable 90-day periods after a “terrorist attack;” and infinitely renewable 90-day periods to defend against an imminent threat of “death, serious injury, or substantial economic damage.” These broad terms are not defined. And FISA already allows immediate wiretaps in emergencies if a warrant is later sought.</p>
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