

POSSIBLE CHANGE TO SECTION 8155 OF THE SENATE AMENDMENT TO H.R. 2863,  
DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006  
(Possible Change to Second Part of "McCain Amendment")

Presidential Determination to Exclude Lawful Non-DOD Clandestine Operations Abroad  
Against Alien Terrorists

Add to section 8155 the following new subsection:

"(e) PRESIDENTIAL DETERMINATION ON NON-DOD CLANDESTINE OPERATIONS ABROAD AGAINST ALIEN TERRORISTS.--Subsection (a) shall not apply with respect to clandestine counterterrorism operations conducted abroad, with respect to terrorists who are not citizens of the United States, that are carried out by an element of the United States Government other than the Department of Defense and are consistent with the Constitution and laws of the United States and treaties to which the United States is a party, if the President determines that such operations are vital to the protection of the United States or its citizens from terrorist attack."