

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Attorney General to publicly disclose the United States Government's official interpretation of the USA PATRIOT Act.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. 1038

To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, 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. WYDEN (for himself and Mr. UDALL of Colorado)

Viz:

1 At the end, add the following:

2 **SEC. 3. REPORT ON INTELLIGENCE COLLECTION ACTIVITIES.**
3 **TIES.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) in democratic societies, citizens rightly ex-
7 pect that their government will not arbitrarily keep
8 information secret from the public but instead will
9 act with secrecy only in certain limited cir-
10 cumstances;

1 (2) the United States Government has an in-
2 herent responsibility to protect American citizens
3 from foreign threats and sometimes relies on clan-
4 destine methods to learn information about foreign
5 adversaries, and these intelligence collection methods
6 are often most effective when they remain secret;

7 (3) American citizens recognize that their gov-
8 ernment may rely on secret intelligence sources and
9 collection methods to ensure national security and
10 public safety, and American citizens also expect in-
11 telligence activities to be conducted within the
12 boundaries of publicly understood law;

13 (4) it is essential for the American public to
14 have access to enough information to determine how
15 government officials are interpreting the law, so that
16 voters can ratify or reject decisions that elected offi-
17 cials make on their behalf;

18 (5) it is essential that Congress have informed
19 and open debates about the meaning of existing
20 laws, so that members of Congress are able to con-
21 sider whether laws are written appropriately, and so
22 that members of Congress may be held accountable
23 by their constituents;

24 (6) United States Government officials should
25 not secretly reinterpret public laws and statutes in

1 a manner that is inconsistent with the public's un-
2 derstanding of these laws, and should not describe
3 the execution of these laws in a way that misinforms
4 or misleads the public;

5 (7) On February 2, 2011, the congressional in-
6 telligence committees received a secret report from
7 the Attorney General and the Director of National
8 Intelligence that has been publicly described as per-
9 taining to intelligence collection authorities that are
10 subject to expiration under section 224 of the USA
11 PATRIOT Act (Public Law 107–56; 115 Stat. 295);
12 and

13 (8) while it is entirely appropriate for particular
14 intelligence collection techniques to be kept secret,
15 the laws that authorize such techniques, and the
16 United States Government's official interpretation of
17 these laws, should not be kept secret but should in-
18 stead be transparent to the public, so that these
19 laws can be the subject of informed public debate
20 and consideration.

21 (b) REPORT.—Not later than 60 days after the date
22 of the enactment of this Act, the Attorney General shall
23 publish in the Federal Register a report—

24 (1) that details the legal basis for the intel-
25 ligence collection activities described in the February

1 2, 2011, report to the congressional intelligence
2 committees; and

3 (2) that does not describe specific intelligence
4 collection programs or activities, but that fully de-
5 scribes the legal interpretations and analysis nec-
6 essary to understand the United States Govern-
7 ment's official interpretation of the Foreign Intel-
8 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et
9 seq.).