

Committee Amendment Proposed by

Mr. Wyden, for himself and Mr. Udall of Colorado

1 At the appropriate place, insert the following:

2 **SEC. ____ . REPORT ON SECRET INTERPRETATIONS OF SUR-**
3 **VEILLANCE LAW.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

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.

11 (2) The Government of the United States has
12 an inherent responsibility to protect the citizens of
13 the United States from foreign threats and some-
14 times relies on clandestine methods to learn informa-
15 tion about foreign adversaries, and these intelligence
16 collection methods are often most effective when
17 they remain secret.

18 (3) The citizens of the United States recognize
19 that their government may rely on secret intelligence
20 sources and collection methods to ensure national se-
21 curity and public safety, and such citizens expect in-

1 intelligence activities to be conducted within the
2 boundaries of publicly understood law.

3 (4) It is essential for the public in the United
4 States to have access to enough information to de-
5 termine how government officials are interpreting
6 the law, so that voters can ratify or reject decisions
7 that elected officials make on their behalf.

8 (5) It is essential that Congress have informed
9 and open debates about the meaning of existing
10 laws, so that members of Congress are able to con-
11 sider whether laws are written appropriately and
12 may be held accountable by their constituents.

13 (6) It is critical that officials of the United
14 States not secretly reinterpret public laws in a man-
15 ner that is inconsistent with the public's under-
16 standing of such laws and not describe the execution
17 of such laws in a way that misinforms or misleads
18 the public.

19 (7) Significant interpretations of the Foreign
20 Intelligence Surveillance Act of 1978 (50 U.S.C.
21 1801 et seq.), as modified by the USA PATRIOT
22 Act (Public Law 107-56; 115 Stat. 272), which rep-
23 resent the Government of the United States official
24 interpretations of the law, are currently being kept
25 secret from the public because the executive branch

1 has determined that such interpretations are classi-
2 fied.

3 (8) While it is entirely appropriate for par-
4 ticular intelligence collection techniques to be kept
5 secret, it is critical that the laws that authorize such
6 techniques and the Government of the United States
7 official interpretations of such laws not be kept se-
8 cret but instead be transparent to the public, so that
9 such laws may be the subject of informed public de-
10 bate and consideration.

11 (b) REPORT.—Not later than 60 days after the date
12 of the enactment of this Act, the Attorney General and
13 the Director of National Intelligence shall submit to the
14 congressional intelligence committees a report that in-
15 cludes—

16 (1) a detailed assessment of the problems posed
17 by the reliance of government agencies and depart-
18 ments on interpretations of domestic surveillance au-
19 thorities that are inconsistent with the under-
20 standing of such authorities by the public; and

21 (2) a plan for addressing such problems with
22 regard to the Foreign Intelligence Surveillance Act
23 of 1978 (50 U.S.C. 1801 et seq.), and, particularly,
24 with the amendments to such Act made by the USA
25 PATRIOT Act (Public Law 107–56; 115 Stat. 272).