

110TH CONGRESS
1ST SESSION

H. R. 2211

To require the President to transmit to Congress a report on every program of the Federal Government that authorizes or requires the gathering of information on United States persons in the United States, established whether in whole or in part pursuant to the “all necessary and appropriate force” clause contained in the Authorization for Use of Military Force (Public Law 107–40).

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2007

Mr. FLAKE (for himself, Mr. DELAHUNT, Mr. PAUL, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 Congress finds the following:

3 (1) On September 11, 2001, foreign terrorists
4 attacked the United States and its citizens.

5 (2) The terrorist attacks of September 11,
6 2001, render it both necessary and appropriate that
7 the United States exercise its right to self-defense by
8 protecting United States citizens both at home and
9 abroad and use “all necessary and appropriate
10 force” as stated in the Authorization for Use of Mili-
11 tary Force (Public Law 107–40; enacted September
12 18, 2001) to find and catch those responsible for
13 such terrorist attacks.

14 (3) The Government of the United States has
15 a duty to pursue al Qaeda and other enemies of the
16 United States with all authorized means to thwart
17 future attacks on the United States and to destroy
18 such enemies.

19 (4) The Authorization for Use of Military Force
20 authorized military action against those responsible
21 for the terrorist attacks of September 11, 2001, but
22 did not contain legal authorization nor approval for
23 domestic electronic surveillance not authorized by
24 chapters 119 or 121 of title 18, United States Code,
25 or the Foreign Intelligence Surveillance Act of 1978

1 (50 U.S.C. 1801 et seq.), which contains provisions
2 expressly governing their applicability during war.

3 (5) Congress reiterates that the Authorization
4 for Use of Military Force authorized military action
5 against those responsible for the terrorist attacks of
6 September 11, 2001, but does not contain legal au-
7 thorization nor approval for domestic electronic sur-
8 veillance not authorized by chapters 119 or 121 of
9 title 18, United States Code, or the Foreign Intel-
10 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et
11 seq.).

12 **SEC. 2. REPORT REQUIRED.**

13 (a) IN GENERAL.—Not later than 160 days after the
14 date of the enactment of this Act, the President shall
15 transmit to the Committee on Foreign Affairs of the
16 House of Representatives and the Committee on Foreign
17 Relations of the Senate a report that identifies and in-
18 cludes a brief description of every program of the Federal
19 Government that authorizes or requires the gathering of
20 information, directly or indirectly, on United States per-
21 sons in the United States, established whether in whole
22 or in part pursuant to the “all necessary and appropriate
23 force” clause contained in the Authorization for Use of
24 Military Force (Public Law 107–40).

- 1 (b) FORM.—The report submitted under subsection
- 2 (a) may be submitted in classified form.

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