The NSA has shown it will misinterpret the law in a manner most favorable to the seizure by the NSA, seizure of information without a warrant.

These new changes, unfortunately, may not adequately solve the problems of spying, snooping, and surveillance by the NSA on Americans.

And that's just the way it is.

NATIONAL MILITARY APPRECIATION MONTH

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, I rise today to recognize National Military Appreciation Month and to honor the service and sacrifice of the men and women of our military.

I am proud to represent countless inspiring veterans who have served our country and continue to serve in our communities—veterans like Carlos Cruz, who served in the Army during Vietnam and regularly volunteers with disabled veterans whenever he is able; Dr. Anthony Atwood, who served in the Navy for over 20 years and, today, works to preserve the history of Miami veterans as executive director of the Miami Military Museum and Memorial; Clifton Riley, an Army veteran who served during Desert Storm and started his own business, where he strives to hire veterans.

Carlos, Anthony, and Clifton are just three examples of the many veterans who remind us of the responsibility to uphold promises we made to our veterans as they have upheld their promises to us.

□ 0915

USA FREEDOM ACT

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 590, I call up the bill (H.R. 3361) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes, as amended, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 590, in lieu of the amendments in the nature of a substitute recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence printed in the bill, the amendment in the nature of a substitute printed in part B of House Report 113–460 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''USA FREEDOM Act''.

(b) Table of Contents.—The table of contents for this Act is as follows:

SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

TITLE I—FISA BUSINESS RECORDS REFORMS

SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''a statement'' and inserting ''in the case of an application other than an application described in subparagraph (C) (including an application for the production of call detail records other than in the manner described in subparagraph (C)), a statement''; and

(B) in clause (iii), by striking ''; and'' and inserting a semicolon;

(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively; and

(3) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

''(C) in the case of an application for the production on a daily basis of call detail records created before, on, or after the date of the application relating to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to protect against international terrorism, a statement of facts showing that—

''(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and

''(ii) there are facts giving rise to a reasonable, articulable suspicion that such specific selection term is associated with a foreign power or an agent of a foreign power; and''.

(b) ORDER.—Section 501(c)(2) (50 U.S.C. 1861(c)(2)) is amended—

(1) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) in the case of an application described in subsection (b)(2)(C), shall—

''(i) authorize the production on a daily basis of call detail records for a period not to exceed 180 days;

''(ii) provide that an order for such production may be extended upon application under subsection (b) and the judicial finding under paragraph (1);

''(iii) provide that the Government may require the prompt production of call detail records—

''(I) using the specific selection term that satisfies the standard required under subsection (b)(2)(C)(ii) as the basis for production; and

''(II) using call detail records with a direct connection to such specific selection term as the basis for production of a second set of call detail records;

''(iv) provide that, when produced, such records be in a form that will be useful to the Government;

''(v) direct each person the Government directs to produce call detail records under the order to furnish the Government forthwith all information, facilities, or technical assistance necessary to accomplish the production in such a manner as will protect the secrecy of the production and produce a minimum of interference with the services that such person is providing to each subject of the production; and

''(vi) direct the Government to—

''(I) adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and

''(II) destroy all call detail records produced under the order as prescribed by such procedures.''.

SEC. 102. EMERGENCY AUTHORITY.

(a) AUTHORITY.—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

''(i) EMERGENCY AUTHORITY FOR PRODUCTION OF TANGIBLE THINGS.—

''(1) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—

''(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;

''(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and

''(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.

''(2) If the Attorney General authorizes the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived from such production shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such production shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''.

(b) CONFORMING AMENDMENT.—Section 501(d) (50 U.S.C. 1861(d)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''pursuant to an order'' and inserting ''pursuant to an order issued or an emergency production required'';

(B) in subparagraph (A), by striking ''such order'' and inserting ''such order or such emergency production''; and

(C) in subparagraph (B), by striking ''the order'' and inserting ''the order or the emergency production''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''an order'' and inserting ''an order or emergency production''; and

(B) in subparagraph (B), by striking ''an order'' and inserting ''an order or emergency production''.

SEC. 103. PROHIBITION ON BULK COLLECTION OF TANGIBLE THINGS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)), as amended by section 101(a) of this Act, is further amended by inserting before subparagraph (B), as redesignated by such section 101(a) of this Act, the following new subparagraph:

''(A) a specific selection term to be used as the basis for the production of the tangible things sought;''.

(b) ORDER.—Section 501(c) (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2)(A), by striking the semicolon and inserting '', including each specific selection term to be used as the basis for the production;''; and

(2) by adding at the end the following new paragraph:

''(3) No order issued under this subsection may authorize the collection of tangible things without the use of a specific selection term that meets the requirements of subsection (b)(2).''.

SEC. 104. JUDICIAL REVIEW OF MINIMIZATION PROCEDURES FOR THE PRODUCTION OF TANGIBLE THINGS.

Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is amended by inserting after ''subsections (a) and (b)'' the following: ''and that the minimization procedures submitted in accordance with subsection (b)(2)(D) meet the definition of minimization procedures under subsection (g)''.

SEC. 105. LIABILITY PROTECTION.

Section 501(e) (50 U.S.C. 1861(e)) is amended to read as follows:

''(e)(1) No cause of action shall lie in any court against a person who—

''(A) produces tangible things or provides information, facilities, or technical assistance pursuant to an order issued or an emergency production required under this section; or

''(B) otherwise provides technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act.

''(2) A production or provision of information, facilities, or technical assistance described in paragraph (1) shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.''.

SEC. 106. COMPENSATION FOR ASSISTANCE.

Section 501 (50 U.S.C. 1861), as amended by section 102 of this Act, is further amended by adding at the end the following new subsection:

''(j) COMPENSATION.—The Government shall compensate a person for reasonable expenses incurred for—

''(1) producing tangible things or providing information, facilities, or assistance in accordance with an order issued with respect to an application described in subsection (b)(2)(C) or an emergency production under subsection (i) that, to comply with subsection (i)(1)(D), requires an application described in subsection (b)(2)(C); or

''(2) otherwise providing technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act.''.

SEC. 107. DEFINITIONS.

Section 501 (50 U.S.C. 1861), as amended by section 106 of this Act, is further amended by adding at the end the following new subsection:

''(k) DEFINITIONS.—In this section:

''(1) CALL DETAIL RECORD.—The term 'call detail record'—

''(A) means session identifying information (including originating or terminating telephone number, International Mobile Subscriber Identity number, or International Mobile Station Equipment Identity number), a telephone calling card number, or the time or duration of a call; and

''(B) does not include—

''(i) the contents of any communication (as defined in section 2510(8) of title 18, United States Code);

''(ii) the name, address, or financial information of a subscriber or customer; or

''(iii) cell site location information.

''(2) SPECIFIC SELECTION TERM.—The term 'specific selection term' means a discrete term, such as a term specifically identifying a person, entity, account, address, or device, used by the Government to limit the scope of the information or tangible things sought pursuant to the statute authorizing the provision of such information or tangible things to the Government.''.

SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS RECORDS ORDERS.

Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''and calendar years 2012 through 2014'' after ''2006'';

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3) (as so redesignated)—

(i) by striking subparagraph (C) and inserting the following new subparagraph:

''(C) with respect to calendar years 2012 through 2014, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures adequately protect the constitutional rights of United States persons;''; and

(ii) in subparagraph (D), by striking ''(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))'';

(2) in subsection (c), by adding at the end the following new paragraph:

''(3) CALENDAR YEARS 2012 THROUGH 2014.—Not later than December 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2012 through 2014.'';

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following new subsection:

''(d) INTELLIGENCE ASSESSMENT.—

''(1) IN GENERAL.—For the period beginning on January 1, 2012, and ending on December 31, 2014, the Inspector General of the Intelligence Community shall assess—

''(A) the importance of the information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) to the activities of the intelligence community;

''(B) the manner in which that information was collected, retained, analyzed, and disseminated by the intelligence community;

''(C) the minimization procedures used by elements of the intelligence community under such title and whether the minimization procedures adequately protect the constitutional rights of United States persons; and

''(D) any minimization procedures proposed by an element of the intelligence community under such title that were modified or denied by the court established under section 103(a) of such Act (50 U.S.C. 1803(a)).

''(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than 180 days after the date on which the Inspector General of the Department of Justice submits the report required under subsection (c)(3), the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 through 2014.'';

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking ''a report under subsection (c)(1) or (c)(2)'' and inserting ''any report under subsection (c) or (d)''; and

(ii) by striking ''Inspector General of the Department of Justice'' and inserting ''Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section''; and

(B) in paragraph (2), by striking ''the reports submitted under subsections (c)(1) and

(c)(2)'' and inserting ''any report submitted under subsection (c) or (d)'';

(6) in subsection (f), as redesignated by paragraph (3)—

(A) by striking ''The reports submitted under subsections (c)(1) and (c)(2)'' and inserting ''Each report submitted under subsection (c)''; and

(B) by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''; and

(7) by adding at the end the following new subsection:

''(g) DEFINITIONS.—In this section:

''(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(2) UNITED STATES PERSON.—The term 'United States person' has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).''.

SEC. 109. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections 101 through 103 shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to alter or eliminate the authority of the Government to obtain an order under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) as in effect prior to the effective date described in subsection (a) during the period ending on such effective date.

SEC. 110. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the production of the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication from an electronic communication service provider (as such term is defined in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4)) under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

SEC. 201. PROHIBITION ON BULK COLLECTION.

(a) PROHIBITION.—Section 402(c) (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

''(3) a specific selection term to be used as the basis for selecting the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied; and''.

(b) DEFINITION.—Section 401 (50 U.S.C. 1841) is amended by adding at the end the following new paragraph:

''(4) The term 'specific selection term' has the meaning given the term in section 501.''.

SEC. 202. PRIVACY PROCEDURES.

(a) IN GENERAL.—Section 402 (50 U.S.C. 1842) is amended by adding at the end the following new subsection:

''(h) The Attorney General shall ensure that appropriate policies and procedures are in place to safeguard nonpublicly available information concerning United States persons that is collected through the use of a pen register or trap and trace device installed under this section. Such policies and procedures shall, to the maximum extent practicable and consistent with the need to protect national security, include protections for the collection, retention, and use of information concerning United States persons.''.

(b) EMERGENCY AUTHORITY.—Section 403 (50 U.S.C. 1843) is amended by adding at the end the following new subsection:

''(d) Information collected through the use of a pen register or trap and device installed under this section shall be subject to the policies and procedures required under section 402(h).''.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

SEC. 301. MINIMIZATION PROCEDURES.

Section 702(e)(1) (50 U.S.C. 1881a(e)(1)) is amended—

(1) by striking ''that meet'' and inserting the following: ''that—

''(A) meet'';

(2) in subparagraph (A) (as designated by paragraph (1) of this section), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) consistent with such definition—

''(i) minimize the acquisition, and prohibit the retention and dissemination, of any communication as to which the sender and all intended recipients are determined to be located in the United States at the time of acquisition, consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information; and

''(ii) prohibit the use of any discrete communication that is not to, from, or about the target of an acquisition and is to or from an identifiable United States person or a person reasonably believed to be located in the United States, except to protect against an immediate threat to human life.''.

SEC. 302. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended by adding at the end the following new subparagraph:

''(D) LIMITATION ON USE OF INFORMATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), to the extent the Court orders a correction of a deficiency in a certification or procedures under subparagraph (B), no information obtained or evidence derived pursuant to the part of the certification or procedures that has been identified by the Court as deficient concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired pursuant to such part of such certification shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(ii) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under subparagraph (B), the Court may permit the use or disclosure of information obtained before the date of the correction under such minimization procedures as the Court shall establish for purposes of this clause.''.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

SEC. 401. APPOINTMENT OF AMICUS CURIAE.

Section 103 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(i) AMICUS CURIAE.—

''(1) AUTHORIZATION.—A court established under subsection (a) or (b), consistent with the requirement of subsection (c) and any other statutory requirement that the court act expeditiously or within a stated time—

''(A) shall appoint an individual to serve as amicus curiae to assist such court in the consideration of any application for an order or review that, in the opinion of the court, presents a novel or significant interpretation of the law, unless the court issues a written finding that such appointment is not appropriate; and

''(B) may appoint an individual to serve as amicus curiae in any other instance as such court deems appropriate.

''(2) DESIGNATION.—The presiding judges of the courts established under subsections (a) and (b) shall jointly designate not less than 5 individuals to be eligible to serve as amicus curiae. Such individuals shall be persons who possess expertise in privacy and civil liberties, intelligence collection, telecommunications, or any other area that may lend legal or technical expertise to the courts and who have been determined by appropriate executive branch officials to be eligible for access to classified information.

''(3) DUTIES.—An individual appointed to serve as amicus curiae under paragraph (1) shall carry out the duties assigned by the appointing court. Such court may authorize the individual appointed to serve as amicus curiae to review any application, certification, petition, motion, or other submission that the court determines is relevant to the duties assigned by the court.

''(4) NOTIFICATION.—The presiding judges of the courts established under subsections (a) and (b) shall notify the Attorney General of each exercise of the authority to appoint an individual to serve as amicus curiae under paragraph (1).

''(5) ASSISTANCE.—A court established under subsection (a) or (b) may request and receive (including on a non-reimbursable basis) the assistance of the executive branch in the implementation of this subsection.

''(6) ADMINISTRATION.—A court established under subsection (a) or (b) may provide for the designation, appointment, removal, training, or other support for an individual appointed to serve as amicus curiae under paragraph (1) in a manner that is not inconsistent with this subsection.''.

SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND OPINIONS.

(a) DECLASSIFICATION.—Title VI (50 U.S.C. 1871 et seq.) is amended—

*(1) in the heading, by striking ''**REPORTING REQUIREMENT**'' and inserting ''**OVERSIGHT**''; and*

(2) by adding at the end the following new section:

''SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS, ORDERS, AND OPINIONS.

''(a) DECLASSIFICATION REQUIRED.—Subject to subsection (b), the Director of National Intelligence, in consultation with the Attorney General, shall conduct a declassification review of each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review (as defined in section 601(e)) that includes a significant construction or interpretation of any provision of this Act, including a construction or interpretation of the term 'specific selection term', and, consistent with that review, make publicly available to the greatest extent practicable each such decision, order, or opinion.

''(b) REDACTED FORM.—The Director of National Intelligence, in consultation with the Attorney General, may satisfy the requirement under subsection (a) to make a decision, order, or opinion described in such subsection publicly available to the greatest extent practicable by making such decision, order, or opinion publicly available in redacted form.

''(c) NATIONAL SECURITY WAIVER.—The Director of National Intelligence, in consultation with the Attorney General, may waive the requirement to declassify and make publicly available a particular decision, order, or opinion under subsection (a) if—

''(1) the Director of National Intelligence, in consultation with the Attorney General, determines that a waiver of such requirement is necessary to protect the national security of the United States or properly classified intelligence sources or methods; and

''(2) the Director of National Intelligence makes publicly available an unclassified statement prepared by the Attorney General, in consultation with the Director of National Intelligence—

''(A) summarizing the significant construction or interpretation of a provision under this Act; and

''(B) that specifies that the statement has been prepared by the Attorney General and constitutes no part of the opinion of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.''.

(b) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section is amended—

(1) by striking the item relating to title VI and inserting the following new item:

''TITLE VI—OVERSIGHT''; and

(2) by inserting after the item relating to section 601 the following new item:

''Sec. 602. Declassification of significant decisions, orders, and opinions.''.

TITLE V—NATIONAL SECURITY LETTER REFORM

SEC. 501. PROHIBITION ON BULK COLLECTION.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended in the matter preceding paragraph (1) by striking ''may'' and inserting ''may, using a specific selection term as the basis for a request''.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114(a)(2) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(2)) is amended by striking the period and inserting ''and a specific selection term to be used as the basis for the production and disclosure of financial records.''.

(c) DISCLOSURES TO FBI OF CERTAIN CONSUMER RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Section 626(a) of the Fair Credit Reporting Act (15 U.S.C. 1681u(a)) is amended by striking ''that information,'' and inserting ''that information that includes a specific selection term to be used as the basis for the production of that information,''.

(d) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES OF CONSUMER REPORTS.—Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended by striking ''analysis.'' and inserting ''analysis and a specific selection term to be used as the basis for the production of such information.''.

(e) DEFINITIONS.—

(1) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(g) SPECIFIC SELECTION TERM DEFINED.—In this section, the term 'specific selection term' has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).''.

(2) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended by adding at the end the following new subsection:

''(e) In this section, the term 'specific selection term' has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).''.

(3) DISCLOSURES TO FBI OF CERTAIN CONSUMER RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by adding at the end the following new subsection:

''(n) SPECIFIC SELECTION TERM DEFINED.—In this section, the term 'specific selection term' has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).''.

(4) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES OF CONSUMER REPORTS.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by adding at the end the following new subsection:

''(g) SPECIFIC SELECTION TERM DEFINED.—In this section, the term 'specific selection term' has the meaning given the term in section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).''.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING PRODUCTION OF BUSINESS RECORDS.

Section 502(b) (50 U.S.C. 1862(b)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting before paragraph (5) (as so redesignated) the following new paragraphs:

''(1) the total number of applications described in section 501(b)(2)(B) made for orders approving requests for the production of tangible things;

''(2) the total number of such orders either granted, modified, or denied;

''(3) the total number of applications described in section 501(b)(2)(C) made for orders approving requests for the production of call detail records;

''(4) the total number of such orders either granted, modified, or denied;''.

SEC. 602. BUSINESS RECORDS COMPLIANCE REPORTS TO CONGRESS.

Section 502(b) (50 U.S.C. 1862(b)), as amended by section 601 of this Act, is further amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) a summary of all compliance reviews conducted by the Federal Government of the production of tangible things under section 501;''.

SEC. 603. ANNUAL REPORTS BY THE GOVERNMENT ON ORDERS ENTERED.

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 402 of this Act, is further amended by adding at the end the following new section:

''SEC. 603. ANNUAL REPORT ON ORDERS ENTERED.

''(a) REPORT BY DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—The Director of the Administrative Office of the United States Courts shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and, subject to a declassification review by the Attorney General and Director of National Intelligence, make publicly available on an Internet website—

''(1) the number of orders entered under each of sections 105, 304, 402, 501, 702, 703, and 704;

''(2) the number of orders modified under each of those sections;

''(3) the number of orders denied under each of those sections; and

''(4) the number of appointments of an individual to serve as amicus curiae under section 103, including the name of each individual appointed to serve as amicus curiae.

''(b) REPORT BY DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall annually make publicly available a report that identifies, for the preceding 12-month period—

''(1) the total number of orders issued pursuant titles I and III and sections 703 and 704 and the estimated number of targets affected by such orders;

''(2) the total number of orders issued pursuant to section 702 and the estimated number of targets affected by such orders;

''(3) the total number of orders issued pursuant to title IV and the estimated number of targets affected by such orders;

''(4) the total number of orders issued pursuant to applications made under section 501(b)(2)(B) and the estimated number of targets affected by such orders;

''(5) the total number of orders issued pursuant to applications made under section 501(b)(2)(C) and the estimated number of targets affected by such orders; and

''(6) the total number of national Security letters issued and the number of requests for information contained within such national security letters.

''(c) NATIONAL SECURITY LETTER DEFINED.—The term 'national security letter' means any of the following provisions:

''(1) Section 2709 of title 18, United States Code.

''(2) Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)).

''(3) Subsection (a) or (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u(a), 1681u(b)).

''(4) Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section, as amended by section 402 of this Act, is further amended by inserting after the item relating to section 602, as added by such section 402, the following new item:

''Sec. 603. Annual report on orders entered.''.

SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO FISA ORDERS.

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 603 of this Act, is further amended by adding at the end the following new section:

''SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO ORDERS.

''(a) REPORTING.—A person may semiannually publicly report the following information with respect to the preceding half year using one of the following structures:

''(1) Subject to subsection (b), a report that aggregates the number of orders or national security letters the person was required to comply with in the following separate categories:

''(A) The number of national security letters received, reported in bands of 1000 starting with 0-999.

''(B) The number of customer accounts affected by national security letters, reported in bands of 1000 starting with 0-999.

''(C) The number of orders under this Act for content, reported in bands of 1000 starting with 0-999.

''(D) With respect to content orders under this Act, in bands of 1000 starting with 0-999, the number of customer accounts affected under orders under title I;

''(E) The number of orders under this Act for non-content, reported in bands of 1000 starting with 0-999.

''(F) With respect to non-content orders under this Act, in bands of 1000 starting with 0-999, the number of customer accounts affected under orders under—

''(i) title IV;

''(ii) title V with respect to applications described in section 501(b)(2)(B); and

''(iii) title V with respect to applications described in section 501(b)(2)(C).

''(2) A report that aggregates the number of orders, directives, or national security letters the person was required to comply with in the following separate categories:

''(A) The total number of all national security process received, including all national security letters and orders or directives under this Act, reported as a single number in a band of 0-249 and thereafter in bands of 250.

''(B) The total number of customer selectors targeted under all national security process received, including all national security letters

and orders or directives under this Act, reported as a single number in a band of 0-249 and thereafter in bands of 250.

''(3) Subject to subsection (b), a report that aggregates the number of orders or national security letters the person was required to comply with in the following separate categories:

''(A) The number of national security letters received, reported in bands of 500 starting with 0-499.

''(B) The number of customer accounts affected by national security letters, reported in bands of 500 starting with 0-499.

''(C) The number of orders under this Act for content, reported in bands of 500 starting with 0-499.

''(D) The number of customer selectors targeted under such orders, in bands of 500 starting with 0-499.

''(E) The number of orders under this Act for non-content, reported in bands of 500 starting with 0-499.

''(F) The number of customer selectors targeted under such orders, reported in bands of 500 starting with 0-499.

''(b) PERIOD OF TIME COVERED BY REPORTS.—With respect to a report described in paragraph (1) or (3) of subsection (a), such report shall only include information—

''(1) except as provided in paragraph (2), for the period of time ending on the date that is at least 180 days before the date of the publication of such report; and

''(2) with respect to an order under this Act or national security letter received with respect to a platform, product, or service for which a person did not previously receive such an order or national security letter (not including an enhancement to or iteration of an existing publicly available platform, product, or service), for the period of time ending on the date that is at least 2 years before the date of the publication of such report.

''(c) OTHER FORMS OF AGREED TO PUBLICATION.—Nothing in this section shall be construed to prohibit the Government and any person from jointly agreeing to the publication of information referred to in this subsection in a time, form, or manner other than as described in this section.

''(d) NATIONAL SECURITY LETTER DEFINED.—The term 'national security letter' has the meaning given the term in section 603.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section, as amended by section 603 of this Act, is further amended by inserting after the item relating to section 603, as added by section 603 of this Act, the following new item:

''Sec. 604. Public reporting by persons subject to orders.''.

SEC. 605. REPORTING REQUIREMENTS FOR DECISIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

Section 601(c)(1) (50 U.S.C. 1871(c)) is amended to read as follows:

''(1) not later than 45 days after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues a decision, order, or opinion, including any denial or modification of an application under this Act, that includes a significant construction or interpretation of any provision of this Act or results in a change of application of any provision of this Act or a new application of any provision of this Act, a copy of such decision, order, or opinion and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion; and''.

SEC. 606. SUBMISSION OF REPORTS UNDER FISA.

(a) ELECTRONIC SURVEILLANCE.—Section 108(a)(1) (50 U.S.C. 1808(a)(1)) is amended by striking ''the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and the Committee on the Judiciary of the Senate,'' and inserting ''the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''.

(b) PHYSICAL SEARCHES.—Section 306 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate,'' and inserting ''Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate''; and

(2) in the second sentence, by striking ''and the Committee on the Judiciary of the House of Representatives''.

(c) PEN REGISTER AND TRAP AND TRACE DEVICES.—Section 406(b) (50 U.S.C. 1846(b)) is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(4) each department or agency on behalf of which the Government has made application for orders approving the use of pen registers or trap and trace devices under this title; and

''(5) for each department or agency described in paragraph (4), a breakdown of the numbers required by paragraphs (1), (2), and (3).''.

(d) ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS.—Section 502(a) (50 U.S.C. 1862(a)) is amended by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate'' and inserting ''Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Committees on the Judiciary of the House of Representatives and the Senate''.

TITLE VII—SUNSETS

SEC. 701. SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking ''June 1, 2015'' and inserting ''December 31, 2017''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking ''June 1, 2015'' and inserting ''December 31, 2017''.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3361.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

From the founding of the American Republic, this country has been engaged in a profound debate about the limits of government. In the Federalist Papers, the Founders argued passionately for a Federal Government that would protect the American people from foreign threats.

At the same time, the Founders struggled to create a structure to contain and control that government in order to protect the God-given rights of the American people. They carefully crafted the Constitution and Bill of Rights to accomplish these two different, yet complementary, goals.

In essence, this debate has illuminated the exceptionality of the United States. The ceaseless effort to restrain the reach of government is in our DNA as Americans. And for 225 years, we have refused to accept the idea that in order to have national security, we must sacrifice our personal freedoms.

Some, however, think these goals are in conflict with one another following last year's unauthorized disclosure of the National Security Agency's data collection programs operated under the Foreign Intelligence Surveillance Act, or FISA.

Today, the House will consider legislation that once again proves that American liberty and security are not mutually exclusive. We can protect both Americans' civil liberties and our national security without compromising either one.

For nearly a year, the House Judiciary Committee has studied this issue in detail. We have held multiple hearings, consulted the Obama administration, and worked across party lines to produce bipartisan legislation to ensure these programs protect our national security and our individual freedoms.

This bill, the USA FREEDOM Act, was unanimously approved by both the House Judiciary Committee and the House Permanent Select Committee on Intelligence. The USA FREEDOM Act makes clear that the government cannot indiscriminately acquire Americans' call detail records and creates a new, narrowly tailored process for the collection of these records.

Specifically, the USA FREEDOM Act ends bulk collection by keeping Americans' phone records in the hands of providers and requiring the government to get the permission of the court to request information from providers, using a specific selection term in their request to the court. That limits the scope of information collected. For example, the government would have to

identify a specific person or account as part of any request for information or tangible things.

Furthermore, the USA FREEDOM Act bans bulk collection not just for the controversial telephone metadata program, but for all of section 215 authorities, as well as NSL letters and pen register, trap and trace devices. These limitations will protect Americans' records of all types, including medical records, email records, telephone records, and firearms purchase records, among many others.

At the same time, the USA FREEDOM Act ensures that the Federal Government will continue to have the tools it needs to identify and intercept terrorist attacks. The bill preserves the traditional operational use of these important authorities by the FBI and other intelligence agencies. It provides needed emergency authority to national security officials if there is an immediate national security threat, but still requires the government to obtain Court approval of an application within 7 days.

The USA FREEDOM Act increases the transparency of our intelligence-gathering programs by creating an amicus curiae in the FISA Court. This amicus will be chosen from a panel of legal experts to help ensure the court adequately considers privacy concerns and the constitutional rights of Americans when reviewing the government's request for records.

It also requires the Director of National Intelligence and the Attorney General to conduct a declassification review of each decision, order, or opinion of the court that includes a significant construction or interpretation of the law and mandates that the government report the number of orders issued, modified, or denied by the court annually.

Last year's national security leaks have also had a commercial and financial impact on American technology companies that have provided these records. They have experienced backlash from both American and foreign consumers and have had their competitive standing in the global marketplace damaged. In January of this year, the Justice Department entered into a settlement with several companies to permit new ways to report data concerning requests for customer information under FISA. The USA FREEDOM Act builds on upon this settlement, allowing tech companies to publicly report national security requests from the government to inform their American and foreign customers.

From beginning to end, this is a carefully crafted, bipartisan bill.

I would like to thank the sponsor of this legislation, Crime Subcommittee Chairman JIM SENSENBRENNER, full committee Ranking Member JOHN CONYERS, Intellectual Property Subcommittee Ranking Member JERRY NADLER, and Crime Subcommittee Ranking Member BOBBY SCOTT for working together with me on this important bipartisan legislation. I also want to thank the staff of these Members for the many hours, weeks, and months of hard work they put into this effort.

Furthermore, I would like to thank my staff—Caroline Lynch, the chief counsel of the Crime Subcommittee, and Sam Ramer—for their long hours and steadfast dedication to this legislation. And I might add that Sam Ramer is going to be missed by the committee as he moves on to take a new responsibility in the private sector, but he wanted to be sure that he could be present today for the completion of the passage of this legislation through the House. I thank Sam and Caroline for their long and dedicated hours put into making sure that this was a finely crafted piece of legislation.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the USA FREEDOM Act. The version of the bill pending before us today is not a perfect vehicle. There is more that we can do and must do to ensure, as the Fourth Amendment requires, ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.''

But let me be clear. The compromise bill before us today is a significant improvement over the status quo. It is a good bill. Now, with this legislation, we stand poised to end domestic bulk collection across the board—in section 215 of the PATRIOT Act, in the pen register authority, and in the national security letter statutes—by requiring the use of a ''specific selection term'' before the government may obtain information or tangible things.

This legislation will create a panel of experts from which the Foreign Intelligence Surveillance Court can draw expertise and questions involving privacy, civil liberties, and technology. It will also require the court to disclose every significant opinion it issues, because in this country there should be no such thing as secret law. And we have accomplished all these things while providing President Obama with his requested authority for the limited, prospective collection of call detail records.

Any bill we might have offered on this subject would have been imperfect, but we have been careful to include the critical safeguards in this legislation. With the additional reporting, declassification, and transparency requirements laid out in the measure before us, we believe the government would be hard-pressed to attempt to expand its surveillance authorities beyond the narrow intent of this legislation.

As the administration stated yesterday in a formal statement of policy, the USA FREEDOM Act ''prohibits bulk collection.'' This is our intent, and we will hold the current and future administrations to this intent.

In closing, I want to thank Chairman GOODLATTE, Mr. SENSENBRENNER of Wisconsin, Mr. NADLER of New York, and Mr. SCOTT of Virginia for their tireless leadership on this issue. I also want to express appreciation to Chairman ROGERS and Ranking Member RUPPERSBERGER for their willingness to work with us to reach this point.

The House is poised to approve the first significant rollback of any aspect of government surveillance since the passage of the Foreign Intelligence Surveillance Act in 1978. We must seize this opportunity, and so I urge my colleagues to support H.R. 3361.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds.

I neglected to add another key member of the committee, Congressman RANDY FORBES of Virginia, a member of the Judiciary Committee who has also been a key bipartisan member of this negotiation.

At this time, it is my pleasure to yield 6 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee and the chief sponsor of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I want to thank the House for bringing the USA FREEDOM Act to the floor today.

I was the chairman of the Judiciary Committee on September 11, 2001. In the wake of that tragedy, the committee passed the PATRIOT Act with unanimous, bipartisan support. The bill easily passed in both the House and the Senate, and President George W. Bush signed it into law.

I believe the PATRIOT Act made America safer by enhancing the government's ability to find and stop terrorist attacks. We were careful to maintain the civil liberties that distinguish us from our enemies. We are here today because the government misapplied the law and upset the balance between privacy and security that we had fought to preserve 13 years ago.

In a feat of legal gymnastics, the administration convinced the FISA Court that, because some records in the universe of every phone call Americans made might be relevant to counterterrorism, the entire universe of calls must be relevant. That decision opened the floodgates to a practice of bulk collection that Congress never intended when the PATRIOT Act was passed.

□ 0930

Senator LEAHY and I introduced the USA FREEDOM Act to end bulk collection, increase transparency, and to reestablish a proper balance between privacy and security. After months of input and negotiations—in a historic echo of its vote on the PATRIOT Act—the Judiciary Committee unanimously passed the FREEDOM Act.

The challenge we faced was to draft legislation that was tight enough to avoid abuse without infringing on the

core functions of law enforcement and intelligence collection. Perfect is rarely possible in politics, and this bill is no exception.

In order to preserve core operations of the intelligence and law enforcement agencies, the administration insisted on broadening certain authorities and lessening certain restrictions. Some of the changes raise justifiable concerns, and I don't blame people for losing trust in their government, because the government has violated their trust.

Let me be clear: I wish this bill did more. To my colleagues who lament the changes, I agree with you. To privacy groups who are upset about lost provisions, I share your disappointment. The negotiations for this bill were intense, and we have to make compromises, but this bill still does deserve support. Don't let the perfect become the enemy of the good. Today, we have the opportunity to make a powerful statement: Congress does not support bulk collection.

The days of the NSA indiscriminately vacuuming up more data than it can store will end with the USA FREEDOM Act. After the FREEDOM Act passes, we will have a law that expresses Congress' unambiguous intent to end bulk collection of Americans' data across all surveillance authorities.

The bill requires that, in addition to existing restrictions, the government must use a specific selection term as the basis for collecting foreign intelligence information. And maybe more importantly, after this bill becomes law, we will have critical transparency provisions to ensure that, if the government again violates our trust, Congress and the public will know about it and will be able to do something about it.

The FREEDOM Act gives private companies greater discretion to disclose their cooperation with the government. These disclosures give the companies increased autonomy and will alert the public to the extent of data collection. The bill also requires public notification of any FISC decision that contains a significant construction of law—expressly including interpretations of the ''specific selection term.'' This is the end of secret laws. If the administration abuses the intent of the bill, everyone will know.

That is why the FREEDOM Act will succeed. It bans bulk collection and ensures disclosure of attempts to dilute it. Today's vote is a first vote is the first step—and not a final step—in our efforts to reform surveillance. It gives us the tools to ensure that Congress and the public can provide an adequate check on the government. In a post-FREEDOM Act world, we have turned the tables on the NSA and can say to them: ''We are watching you.'' And we will.

I want to thank Chairman GOODLATTE, Ranking Member CONYERS and Congressmen SCOTT, NADLER and FORBES of Virginia for all their hard work. I also want to thank the staff for so many long hours. I cannot overstate the amount of collective sweat and tears that my chief of staff, Bart Forsyth, Caroline Lynch, Sam Ramer, Aaron Hiller, Heather Sawyer, and Joe Graupensperger put into this bill.

But most of all, I want to thank my wife. Cheryl has always been the world's largest and loudest advocate for the preservation of civil rights. She encouraged, supported—and some might say demanded—that I lead this effort. There is no question that we would not be here today for this historic vote on the USA FREEDOM Act if it weren't for her.

I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2½ minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Intellectual Property Subcommittee.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, today we have the first chance in more than a decade to finally place some real limits on the sweeping, unwarranted—and at times unlawful—government surveillance that many of us have fought against for years.

First and foremost—and as the administration acknowledges in its Statement of Administration Policy—this bill will end bulk collection under section 215 of the USA PATRIOT Act, and will ensure that the government is also prohibited from using its National Security Letter authority, or pen registers and trap-and-trace devices, for bulk collection. It does so by requiring the government to identify a specific selection term—something like a person's name, or an account or telephone number—as the basis for obtaining information. This term must limit the scope of records collected to those that are ''relevant'' to an authorized investigation, which requires a reasonable relationship between the particular records and the subjects of a terrorism investigation.

I share the concerns that the current definition of ''specific selection term'' may still allow overbroad collection. But given the ''presumptively relevant'' categories that Congress has already identified in section 215—and because the bill will now require participation of an amicus in the FISA Court who can argue against an overly broad reading of the law—the government would not be permitted to, for example, use an entire telephone area code or an Internet router to collect and warehouse records just because a terrorist suspect might be using a phone in that area code or sending communications that might traverse that router.

Moreover, to the extent the FISA Court ever construes a specific selection term too broadly, other reforms in the bill ensure that Congress and the American people would know about it immediately and could rein them in.

These changes are quite significant, as are the new restrictions to the use of FISA section 702, which allows the NSA to target persons located outside the United States.

The USA FREEDOM Act on the floor today certainly does not give us everything we want or need. It is the product of heated negotiations across party and committee lines and with the intelligence community. It is far from perfect, but it is an important step forward, and we will work to fix remaining problems and strengthen the bill as it moves through the Senate. But a ''no'' vote on this bill today may mean no reform at all, thus leaving in place the framework that could lead to the continued dragnet surveillance of our citizens. This must end. This still makes critically important changes that we should all support. That is why I will vote for it and why I urge everyone else to vote for it.

With that, I want to thank Congressmen SENSENBRENNER, GOODLATTE, CONYERS, SCOTT, and FORBES, and all the staff members who worked on this bill.

This is a signal occasion. It is the first real progress we will have made—not enough—but a really good first step.

Mr. GOODLATTE. Mr. Speaker, at this time, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT) who has worked so hard on this.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding. I join the author of the bill, the gentleman from Wisconsin and chair of the Judiciary Committee's Subcommittee on Crime, Mr. SENSENBRENNER; my colleague from Virginia, the chair of the full committee, Mr. GOODLATTE; the gentleman from Michigan and ranking member, Mr. CONYERS; Mr. NADLER; and my colleague from Virginia (Mr. FORBES) for proposing this amended version of the USA FREEDOM Act. I commend my colleagues for working together to develop a bipartisan approach to addressing some of the shortcomings in our foreign intelligence surveillance statutes.

As recent revelations about the way that some of these statutes have been used have come to light, members of the Judiciary Committee, which has primary jurisdiction over the statutes, studied the issues, proposed solutions, and worked together to find a way forward. We have also worked with our colleagues from the Intelligence Committee to find common ground in order to bring meaningful surveillance reform to the floor today.

The bill, as amended, addresses abuses, enhances privacy protections, provides more rigorous review of critical questions of legal interpretation, and increases transparency so our citizens will know what is being decided and done in their name.

While the administration has already indicated that it will change its procedures, to paraphrase President Reagan, I think the best course is to ''trust but codify.''

While this version of the USA FREEDOM Act does not accomplish all that we had hoped for, it is, in fact, a significant step in the right direction. I therefore urge my colleagues to support the legislation.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CONYERS. I am pleased now to yield 2 minutes to the gentlelady from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I certainly respect the role that Mr. SENSENBRENNER has played in this and honor him and his wife, Cheryl, for their commitment to freedom. But I must oppose the FREEDOM Act that is on the floor today.

This is not the bill that was reported out of the Judiciary Committee unanimously. I voted for that bill not because it was perfect but because it was a step in the right direction. After the bill was reported out, changes were made without the knowledge of the committee members, and I think the result is a bill that actually will not end bulk collections, regretfully.

As Mr. SCOTT has said, our job is not to trust, but to codify. And if you take a look at the selection changes made in the bill, it would allow for bulk collection should the NSA do so. Further, I would note that the transparency provisions have also been weakened. The 702 section would no longer be reportable by companies who receive orders, and instead of the Attorney General noting decisions that change the law, it is now sent over to the Director of National Intelligence.

Regrettably, we have learned that if we leave any ambiguity in the law, the intelligence agency will run a truck right through that ambiguity. And I think that is why all the civil liberties groups have withdrawn their support from this bill: the ACLU, the Electronic Frontier Foundation, CDT, Open Technology. I would add that FreedomWorks and other libertarian groups have also pulled their support. Companies like Facebook and Google have also pulled their support of the bill.

Now, I hope that we will defeat this bill and come back together—because we do work together well here in the Judiciary Committee—and fix the problems that were created, I think, at the insistence of the administration and give honor to Mr. SENSENBRENNER's original bill that had 151 members cosponsoring it.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds simply to point out two things. First of all, as the gentleman from Wisconsin has noted, this legislation is an effort to bring together widely disparate points of view about how to both maximize our national security and our civil liberties. And there are those outside groups that were just referenced who would like to see more than the language that they were able to obtain in this bill. But I think it is very important for everyone to know that while those groups—some groups—have withdrawn their support for the bill, they do not oppose the bill, and that is a very important distinction for Members to understand.

Mr. Speaker, at this time, it is my pleasure to yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I want to thank the chairman of the Judiciary Committee for yielding to me, and I want to also thank the efforts of the Judiciary Committee and the Select Committee on Intelligence for the broad and intense work they have done on this bill.

The USA FREEDOM Act starts with the right concept, and that is that the civil liberties of Americans were at risk. Even though we have very few examples of people being victimized by it, there is not a level of comfort in this country. And so the move to block the Federal Government from storing metadata and still allow for them to be able to set up under a FISA warrant a query through privately held data is the right way to go. It is a conclusion that I drew early on in the many hearings that I have been to, both classified and unclassified hearings.

I quizzed the witnesses, and I put my mark down on those committee hearings, but what happened was the process moved quickly, and over a weekend there was an intense job to write a bill that turned into a substitute amendment, and a debate in the Judiciary Committee referred over to the Select Committee on Intel. Both committees acted quickly. I offered an amendment before the Judiciary Committee. It was voted on. But I have to say that, in my opinion, it was not considered in a fashion that would have allowed for the full judgment of the Judiciary Committee to weigh in.

My amendment is set up so it allows for the intelligence community to negotiate with the telecoms—the telecommunications providers—for a period of time longer than is today required by the FCC.

□ 0945

I think it is not possible for anyone who supports this bill to argue that it makes us safer. It protects our civil liberties more, but there is a window beyond the FCC requirements that I would like to see be available on something other than a voluntary basis.

I wanted to come here to this floor and put my marker down on that concern, that we should not sacrifice the security in America and we should protect the civil liberties of Americans. We can do that at the same time. I think this bill falls somewhat short; although the underlying concept of the bill, I do support.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a very active member of the Judiciary Committee.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the ranking member and the chairman for this work.

I also thank Mr. SENSENBRENNER, who we have worked with from the first stages of the PATRIOT Act, when the Judiciary Committee passed it out on a bipartisan basis after that terrible and heinous act of terror. Unfortunately, it was changed.

Today, I want to announce that megadata collection as we know it has ended. That is a major tribute to the American people, and the Judiciary Committee and the Intelligence Committee heard them.

More importantly, the Intelligence Committee and the Judiciary Committee stand united. Can we do more? Should there have been an open rule or a number of other amendments that Members wanted? Yes. I believe in participatory democracy.

Today, we end bulk collection under the PATRIOT Act section 215. We can always do better. Today, we prevent the bulk collection under FISA pen register and National Security Letter authorities and vow to the American people that we increase the transparency.

Let me make it very clear, when we first discussed and debated the PATRIOT Act, reverse targeting, to me, was heinous. It means that it captured an innocent American person as we were looking for someone who happened to be a terrorist.

Today, in this bill, we have any communications as to which the sender and all intended recipients are determined to be located in the United States and prohibit the use of any discrete, nontarget communication that is determined to be to or from a United States person or a person who appears to be located in the United States, except to protect against an immediate threat to harm. It is eliminated. Reverse targeting is no longer.

In addition, I introduced a bill some time ago called the FISA Court and Sunshine Act of 2013. In that bill, it required the Attorney General to disclose each decision, order, or opinion of the FISA Court, allowing Americans to know how broad of a legal authority the government is claiming under the PATRIOT Act and the Foreign Intelligence Surveillance Act to conduct surveillance needed to keep Americans safe.

I am pleased that, in section 402 and 604 of the USA FREEDOM Act, it requires the Attorney General to conduct a declassification review of each decision, order, or opinion. It opens it up to the American people. That includes a significant construction of interpretation of the law and to submit to Congress within 45 days.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield an additional 30 seconds to the gentlelady.

Ms. JACKSON LEE. I thank the gentleman.

As indicated, the bill specifically contains an explicit prohibition on bulk collection of tangible things pursuant to section 215. The FREEDOM Act provides that section 215 may be used only where specific selection term is provided as the basis for the production of tangible things.

Clearly, we worked very hard to contain what was an amoeba that would not end. Finally, I believe section 301 of the bill, as I indicated, was included, as it was in my amendment in H.R. 3773.

Let me conclude by simply saying that the Bill of Rights lives. The Bill of Rights is for the American people, both the right to freedom, both the right in essence to privacy, and our respect for the gathering of intelligence to protect us from terrorists.

This bill, the USA FREEDOM Act, is indeed an enormous step forward. Let us work together to move us even more, but today, we end megadata collecting as we know it.

Mr. Speaker, I believe we have made a giant step forward for civil liberties, respect for the integrity of the American people, and their right to freedom, as well as for the protecting of all of us from terror.

Mr. Speaker, as a senior member of the Judiciary Committee and a co-sponsor, I rise in strong support of H.R. 3361, the ''USA Freedom Act,'' which is short for ''Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act.''

The USA Freedom Act is the House's unified response to the unauthorized disclosures and subsequent publication in the media in June 2013 regarding the National Security Agency's collection from Verizon of the phone records of all of its American customers, which was authorized by the FISA Court pursuant to Section 215 of the Patriot Act.

Public reaction to the news of this massive and secret data gathering operation was swift and negative.

There was justifiable concern on the part of the public and a large percentage of the Members of this body that the extent and scale of this NSA data collection operation, which exceeded by orders of magnitude anything previously authorized or contemplated, may constitute an unwarranted invasion of privacy and threat to the civil liberties of American citizens.

To quell the growing controversy, the Director of National Intelligence declassified and released limited information about this program. According to the DNI, the information acquired under this program did not include the content of any communications or the identity of any subscriber.

The DNI stated that ''the only type of information acquired under the Court's order is telephony metadata, such as telephone numbers dialed and length of calls.''

The assurance given by the DNI, to put it mildly, was not very reassuring.

In response, many Members of Congress, including the Ranking Member CONYERS, and Mr. SENSENBRENNER, and myself, introduced legislation in response to the disclosures to ensure that the law and the practices of the executive branch reflect the intent of Congress in passing the USA Patriot Act and subsequent amendments.

For example, I introduced H.R. 2440, the ''FISA Court in the Sunshine Act of 2013,'' bipartisan legislation, that much needed transparency without compromising national security to the decisions, orders, and opinions of the Foreign Intelligence Surveillance Court or ''FISA Court.''

Specifically, my bill would require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court (FISC), allowing Americans to know how broad of a legal authority the government is claiming under the PATRIOT Act and Foreign Intelligence Surveillance Act to conduct the surveillance needed to keep Americans safe.

I am pleased that these requirements are incorporated in substantial part as Sections 402 and 604 of the USA Freedom Act, which requires the Attorney General to conduct a declassification review of each decision, order, or opinion of the FISA court that includes a significant construction or interpretation of law and to submit a report to Congress within 45 days.

I also am pleased that the bill before us contains an explicit prohibition on bulk collection of tangible things pursuant to Section 215 authority. Instead, the USA Freedom Act provides that Section 215 may only be used where a specific selection term is provided as the basis for the production of tangible things.

Another important improvement is that the bill's prohibition on domestic bulk collection, as well as its criteria for specifying the information to be collected, applies not only to Section 215 surveillance activities but also to other law enforcement communications interception authorities, such as national security letters.

Finally, I strongly support the USA Freedom Act because Section 301 of the bill continues the prohibition against ''reverse targeting,'' which became law when an earlier Jackson Lee Amendment was included in H.R. 3773, the RESTORE Act of 2007.

''Reverse targeting,'' a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the main concerns of libertarians and classical conservatives, as well as progressives and civil liberties organizations, in giving expanded authority to the executive branch was the temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards to prevent it.

The Jackson Lee Amendment, codified in Section 301 of the USA Freedom Act, reduces even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the ''real'' target of the surveillance is a person in the United States.

In retaining the prohibition on reverse targeting, Section 301 achieves honors the Constitution by requiring the government to obtain a regular FISA warrant whenever a ''significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States.''

I should that nothing in Section 301 requires the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States.

Rather, a FISA order is required only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

Mr. Speaker, while the bill before is a good bill, it is not perfect. No legislation ever is.

In particular, my preference would have been to retain the provision in the bill as originally introduced establishing an Office of the Special Advocate to vigorously advocate in support of legal interpretations that protect individual privacy and civil liberties.

As initially contemplated, the Office of the Special Advocate would be authorized to participate in proceedings before the FISA Court and the Foreign Intelligence Surveillance Court of Review, and to request reconsiderations of FISA Court decisions and participate in appeals and reviews.

Regrettably, the provision establishing the Office of the Special Advocate fell victim to a compromise and replaced with a provision authorizing both the FISA court and the FISA Court of Review, if they deem it necessary, to appoint an individual to serve as amicus curiae in a case involving a novel or significant interpretation of law.

Under this arrangement, the presiding judges of the courts must designate five individuals eligible to serve in that position who possess expertise in privacy and civil liberties, intelligence collection, telecommunications or any other area that may lend legal or technical expertise to the courts.

The Office of the Special Advocate arrangement in my opinion is superior because it provides for mandatory participation of the public advocate rather than the discretionary involvement of court designated amicus curiae provided in the bill before us.

Mr. Speaker, as I noted in an op-ed published way back in October 2007, nearly two centuries ago, Alexis DeTocqueville, who remains the most astute student of American democracy, observed that the reason democracies invariably prevail in any military conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to success: initiative, innovation, courage, and a love of justice.

I ask unanimous consent to include in the RECORD a copy of that op-ed.

I support the USA Freedom Act because it will help keep us true to the Bill of Rights and strikes the proper balance between our cherished liberty and smart security.

I urge my colleagues to support the USA Freedom Act.

NSA REFORM TAKES ITS FIRST STEPS

The USA FREEDOM Act takes steps to:

End bulk collection under Patriot Act Section 215. The bill requires the government to show the Foreign Intelligence Surveillance Court that the specific records it seeks from phone companies pertain to a specific email address, account number or other ''selection term'' before it can demand a customer's personal information. It creates a new collection authority for call records but takes meaningful steps to ensure that such records are not vacuumed up wholesale, as was happening under the secret programs revealed by Edward Snowden.

Prevent bulk collection under FISA pen register and National Security Letter authorities. The bill also requires the government to use a ''selection term'' that uniquely describes its surveillance target and serves as the basis for collecting information from a telephone line, facility, or other account. This would help ensure that the government won't use pen registers and National Security Letters as convenient substitutes for the 215 program.

Increase transparency. Finally, the bill requires the government to provide to Congress and to the public additional reporting on its surveillance programs, while enabling companies who receive national security informational requests to more fully inform customers about the extent to which the government is collecting their data. Additional governmental reporting requirements and more particularized third party reporting authorities, however, are needed in order to ensure that Congress and the public have the information they need to perform truly robust oversight.

While the bill makes significant reforms to U.S. surveillance law, Congress clearly chose not to let the perfect be the enemy of the good. And, to be clear, more work needs to be done. Some of the additional reforms we are calling for, which were in the original USA FREEDOM Act, include:

Ensuring that judges in the Foreign Intelligence Surveillance Court (FISC) have the authority to determine whether an application passes legal muster and do not return to being mere rubber stamps.

Limiting the circumstances under which the government can gather records more than one ''hop'' out from a target to help ensure Americans' information is not unnecessarily swept up.

Closing the ''back door'' search loophole in the FISA Amendments Act to prevent the government from searching information collected under Section 702 of FISA for the U.S. persons' communications content.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from North Carolina (Mr. HOLDING), a member of the Judiciary Committee.

Mr. HOLDING. Mr. Speaker, on Wednesday, the State Department acknowledged that terrorist attacks worldwide have increased by more than 43 percent last year, killing nearly 18,000 people. The odds are rising that we will be hit here in the United States. That is why balanced legislation that protects civil liberties and keeps Americans safe is so important, and the USA FREEDOM Act does just that.

I rise in support of the passage of the USA FREEDOM Act, bipartisan legislation that reforms our intelligence-gathering programs while, importantly, preserving operational capabilities that protect national security.

This legislation will make sure that Americans are protected at a time when the world is a more dangerous place than when the PATRIOT Act itself was enacted into law.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I want to add my thanks to the work that has been done up to now. I became an original cosponsor of the USA FREEDOM Act because I was disturbed about the revelations of surveillance programs.

The bill was a good step toward balancing security and privacy, but this amendment does not. It leaves open the possibility that bulk surveillance could still continue, and it no longer protects the public through a special advocate in the FISA Court.

I am disappointed that this popular, bipartisan bill has been so drastically weakened. I can no longer support it.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman, and I recognize the work that Mr. SENSENBRENNER, Mr. CONYERS, Mr. GOODLATTE, Mr. SCOTT, and others have put into this, but it still falls woefully short.

This legislation still allows the government to collect everything they want against Americans, to treat Americans as suspects first and citizens second.

It still allows decisions about whom to target and how aggressively to go after acquaintances of acquaintances of targets, to be made by mid-level employees, not Federal judges.

Most important, the fundamental decisions under this will be made against a weak, inferior standard that does not reach probable cause, so that the government can spy on people based on weak suspicions and not on legally established probable cause. Now, my friends say: don't let the perfect be the enemy of the good.

The perfect? How can anyone here vote for legislation that doesn't uphold the constitutional standard of probable cause? Probable cause has been well-established in law for two centuries, to keep Americans secure by keeping intelligence and enforcement officers focused on real threats, not on vague suspicions or wild-goose chases.

A decade ago, there was a major change in the relationship between Americans and their government. This bill does not correct it.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from New Jersey.

A number of the things the gentleman has stated are simply not accurate. First of all, the selectors all have to be approved by court order.

Secondly, it is important for everyone to understand that the information gathered is targeted to foreign nationals, not to American citizens.

Thirdly, the increased transparency that is created by this legislation, both in the FISA Court itself and with the fact that the data is now going to be required to be retained by the companies that own the data and not held by the government, provides extra assurance that, if some kind of massive data collection grab were attempted by the government, it would be exposed, as Mr. NADLER pointed out earlier.

Finally, the special selectors language that was carefully worked out in a bipartisan manner carefully limits the ability of people to gather data. It has to be based upon discrete requests, and discretion has a meaning in the law.

It has to be limited to identifiable persons or things, and it has to be done in such a way that the court approves it.

Mr. HOLT. Will the gentleman yield?

Mr. GOODLATTE. I would be happy to yield.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I yield myself 30 seconds and yield to the gentleman.

Mr. HOLT. Is it not correct that this bill does not invoke the probable cause standard?

Mr. GOODLATTE. This is not a search under the Fourth Amendment, and probable cause has never applied. It has never applied. The gentleman is attempting to change the law if he thinks that.

Mr. HOLT. Will the gentleman yield further?

Mr. GOODLATTE. I yield further to the gentleman.

Mr. HOLT. Is there any American who doesn't think that this is a search, when it comes to gathering, by any common understanding?

Mr. GOODLATTE. Reclaiming my time, Mr. Speaker, when it comes to gathering information about foreign nationals who are deemed to pose a national security threat to the United States, the Fourth Amendment does not apply, and a court must still order the particular selectors that are used.

The gentleman's characterization is inaccurate.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York (Mr. NADLER), a senior member of the committee.

Mr. NADLER. Mr. Speaker, I have heard arguments against this bill, and all of them amount to one argument: the bill doesn't go far enough.

I agree. It doesn't, but it is rarely a good argument against a bill to say it doesn't go far enough, if it goes a long way towards solving a real problem.

This bill will end bulk collection. It will end it under section 215. It will end it under trace and trap, and it will end it under NSLs. Without this bill—and I hope it is strengthened in the Senate—we will have no chance to end bulk collection, and the current framework which allows the dragnet surveillance of our citizens will continue.

I wish this bill were stronger, but it is what we are able to get now. It is a major step forward, and not to pass this bill now would be to say to the NSA: Continue what you are doing, we are placing no restrictions on you beyond what the law already has.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve my time.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

I wanted to take this opportunity to thank staff on both sides of the aisle for the hard work that went into drafting the bill and the many compromises

that were reached when we went into the final product.

In addition to Caroline Lynch and Sam Ramer with Chairman GOODLATTE, Bart Forsyth with Mr. SENSENBRENNER, our own staff, Aaron Hiller, Joe Graupensperger, Heather Sawyer, all deserve appropriate credit and praise for the many late nights and long weekends that they spent working on the public's behalf on this critical legislation.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time, I have only one speaker remaining, and I am prepared to close our portion of the remarks if the gentleman is prepared to close.

Mr. CONYERS. Mr. Speaker, I yield myself an additional 1 minute, and it is to clarify the term ''specific selection term'' because the definition of specific selection term that appears in the compromise bill is imperfect, but the USA FREEDOM Act still ends bulk collection. That is why we are here.

Under the act, the government may not obtain information or tangible things under section 215, the FISA pen register authority, or the National Security Letter statutes without using a ''specific selection term'' as the basis for production.

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Critics are correct. This is not as clean or straightforward as the definition approved by both the Intelligence Committee and Judiciary Committee. Nothing in the definition explicitly prohibits the government from using a very broad selection term like ''area code 202'' or ''the entire eastern seaboard.'' But that concern is largely theoretical; the type of collection is not likely to be of use to the government.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan has 3 minutes remaining. The gentleman from Virginia has 2¼ minutes remaining.

Mr. CONYERS. Mr. Speaker, the definition of ''specific selection term'' includes a phrase pursuant to the statute authorizing the provision of information, and that is intended to keep the definition within the four corners of the statute.

There will now be an amicus in the court to argue that expansive readings of this text—like the reading that took ''relevance'' in section 215 to mean ''all call detail records''—are inconsistent with the plain meaning of the law.

Under this bill, any FISA Court opinion that interprets this definition must be declassified and released to the public within 45 days. If the government tries to expand this authority, the public will know it in short order.

The House is poised to approve the first significant rollback of any aspect of government surveillance since the passage of the Foreign Intelligence Surveillance Act in 1978. We must seize this opportunity. If this bill is not approved today, we are giving our intelligence people and NSA a green light to go ahead, and I cannot imagine that happening in this body.

I support H.R. 3361 and yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Eighty-six years ago, Justice Louis Brandeis wrote, in his dissent in Olmstead v. United States: ''The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.''

After the horrific attacks on September 11, 2001, the country was determined not to allow such an attack to occur again. The changes we made then to our intelligence laws helped keep us safe from implacable enemies. Today, we renew our commitment to our Nation's security and to the safety of the American people.

We also make this pledge: that the United States of America will remain a nation whose government answers to the will of the people. This country must be what it always has been: a beacon of freedom to the world; a place where the principles of the Founders, including the commitment to individual liberties, will continue to live, protected and nourished for future generations.

I urge my colleagues to support this bipartisan legislation, and I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself as much time as I might consume.

I would like to begin by recognizing Chairman GOODLATTE, Mr. SENSENBRENNER, the other judiciary committee sponsors, and Leader CANTOR for all their hard work and continuing to forge a compromise with the Intelligence Committee that enacts meaningful change to FISA while preserving operational capabilities.

It is commendable that we have found a responsible legislative solution to address concerns about the bulk telephone metadata program so that we may move forward on other national security legislative priorities. Our obligation to protect this country should not be held hostage by the actions of a traitor or traitors who leaked classified information that puts our troops in the field at risk or those who fearmonger and spread mistruth and misinformation to further their own misguided agenda.

Following the criminal disclosures of intelligence information last June, the section 215 telephone metadata program has been the subject of intense and often inaccurate criticism. The bulk telephone metadata program is legal, overseen, and effective at saving American lives. No review has found anything other than that. All three branches of government oversee this program, including Congress, the FISC, inspectors general and internal compliance and privacy and civil liberties offices in the executive branch agencies.

Despite the effectiveness of the program and immense safeguards on the data, many Americans and many Members of this body still have concerns about a potential for abuse. Remember, the whole debate here has been about the potential for abuse, not that abuse had occurred. The legislation we are considering today is designed to address those concerns and reflect hundreds of hours of Member and staff work to negotiate a workable compromise.

In March, the Intelligence Committee ranking member, Mr. RUPPERSBERGER, and I introduced legislation that was designed to accomplish these main priorities. We committed to ending bulk metadata collection for communications and other types of records. We committed to providing more targeted, narrow authorities so as not to put America at risk. We committed to provide an even more robust judicial review than exists today and process for that program. We committed to providing more transparency into the FISA process and the decisions of the Foreign Intelligence Surveillance Court. The revised USA FREEDOM Act accomplishes the same goals as well.

The USA FREEDOM Act provides the meaningful change to the telephone metadata that Members of the House have been seeking. If we had the fortune of having a Commander in Chief firmly dedicated to the preservation of this program, we may have been able to protect it in its entirety. With that not being the case, and I believe this is a workable compromise that protects the core function of a counterterrorism program we know has saved lives around the world, I urge Members to support this legislation.

I want to thank all of those who came together to forge something that has been certainly a difficult process along the way. At the end of the day, something important happened here: a better understanding of the threats by, I think, more Members of Congress that pose every single day to the lives of American citizens by terror groups around the world. That rise in threat level is getting worse. The matrix for that threat level is getting worse.

It was important as we forged and, I think, met the concerns of so many and educated, I think, many on the misinformation that was out there, that we protect the core capability to detect if a foreign terrorist on foreign

soil is making a call to the United States to further advance their goals of killing Americans. I think we accomplished that today. It is not the bill I would have written completely, but I think we protected those operational concerns and met the concerns for those who had a mistrust of that metadata being locked away with the National Security Agency.

With that, I look forward to a thoughtful debate and reserve the balance of my time, Mr. Speaker.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in strong support of the USA FREEDOM Act, and I yield myself as much time as I may consume.

On May 8, the House Intelligence Committee passed out of the committee the bipartisan USA FREEDOM Act, the identical bill that the Judiciary Committee passed out of committee on May 7.

I especially want to thank Chairman ROGERS for his years of leadership on the House Intelligence Committee. I also want to thank Chairman GOODLATTE and Ranking Member CONYERS, and also Congressman SENSENBRENNER and the staff of our Intelligence and Judiciary Committees for the hard work they did on this bill. We have worked together in a bipartisan manner, and we have come a long way.

After our committee markups, Chairman ROGERS and I have continued to work with the Judiciary Committee and the administration to iron out some remaining issues, which we have done and which is represented in the current bill.

The bill represents the productive efforts of bipartisanship and working together for the American people. Just yesterday, the administration stated that it ''strongly supports'' passage of our bill. Again, the administration said that it ''strongly supports'' passage of our bill. It also stated that the USA FREEDOM Act ''ensures our intelligence and law enforcement professionals have the authorities they need to protect the Nation, while further ensuring that individuals' privacy is appropriately protected.''

The USA FREEDOM Act contains important measures to increase transparency and enhance privacy while maintaining an important national security tool.

First, we have ended bulk collection of telephone metadata and ensured the court reviews each and every search application. The big database up at the National Security Agency that contains phone numbers of millions of Americans will go away. It will be replaced with a tailored, narrow process that allows the government to search only for specific connections to suspected terrorists to keep us safe here at home. There is an important emergency exception when there isn't time to get prior approval from the Foreign Intelligence Surveillance Court, also know as FISC.

Second, we have required expanded reporting for court decisions to improve transparency without threatening sources and methods.

Third, we are creating an advocate to provide outside expertise for significant matters before the FISA Court.

Fourth, we have established a declassification review process of court opinions to ensure the public has access to our national security legal rulings in a manner that still protects our sources and methods.

The USA FREEDOM Act is critical to our country's safety and our intelligence community. It is a focused, logical bill that will let us protect our citizens from terrorist attacks through important legal tools while strengthening civil liberties.

I was opposed to the original USA FREEDOM Act because it set too high a standard for intelligence collection. In short, it would have threatened America's safety by cutting off the building blocks of foreign intelligence investigations. We have worked together in a bipartisan manner and created a solid bill.

Now, it ends bulk collection of all metadata by the government. Those that say this bill will legalize bulk collection are wrong. They are trying to scare you by making you think there are monsters under the bed. There aren't. We end all collection of metadata records. I am again saying read the bill. That is what the bill says. There is nothing else in the bill. It is direct, and it states that we will end all bulk collection by the government.

The USA FREEDOM Act includes the necessary checks and balances across all three branches of government. It protects our Nation while also protecting Americans' privacy and civil liberties.

Mr. Speaker, I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. Speaker, I rise in strong support of the USA FREEDOM Act. I yield myself as much time as I may consume.

On May 8th, the House Intelligence Committee favorably reported the bipartisan USA FREEDOM Act—the same bill that the Judiciary Committee favorably reported on May 7th.

I especially want to thank Chairman ROGERS for his years of leadership here on the House Intelligence Committee. I also want to thank Chairman GOODLATTE and Ranking Member CONYERS, and the staff of our Intelligence and Judiciary Committees. We have worked together in a bipartisan manner, and we have come a long way.

After our Committee markups, Chairman ROGERS and I have continued to work with the Judiciary Committee and the Administration to iron out some remaining issues, which we have done, and which is represented in the current bill. This bill represents the productive efforts of bipartisanship and working together for the American people.

Just yesterday, the Administration stated that it ''strongly supports'' passage of our bill. As the Administration further stated, our bill ''ensures our intelligence and law enforcement professionals have the authorities they need to protect the Nation, while further ensuring that individuals' privacy is appropriately protected when these authorities are employed.''

The USA FREEDOM Act contains important measures to increase transparency and enhance privacy while maintaining an important national security tool.

First, we have ended bulk collection of telephone metadata. ''Bulk'' collection means the/indiscriminate acquisition of information or tangible things. It does not mean the acquisition of a large number of communications records or other tangible things. Rather, the prohibition applies to the use of these authorities to engage in indiscriminate or ''bulk'' data collection.

There is also an emergency exception when there isn't time to get prior approval from the Foreign Intelligence Surveillance Court—also known as the FISC.

Second, we have required expanded reporting for FISC decisions to improve transparency to the Intelligence and Judiciary Committees without threatening sources and methods.

Third, we are creating an advocate to provide the FISC with outside expertise for matters before the FISA Court. Importantly, we are doing this without infringing on any constitutional provisions or operational processes.

Fourth, we have established a declassification review process of FISC opinions, to ensure that the public has access to our national security legal rulings, while having procedures in place to ensure that our sources and methods continue to be protected.

The USA FREEDOM Act is critical to our Intelligence Community and to our country's safety.

It is a focused, logical bill that will let us protect our citizens from terrorist attacks and protect their civil liberties while maintaining important legal tools.

For instance, our bill is not intended to impact the current scope or use of FISA or National Security Letters, outside the context of bulk data collection, that are traditionally used for national security investigations. Notably, the introduction of the term ''specific selection term'' is not intended to limit the types of information and tangible things that the government is currently able to collect under FISA or National Security Letter statutes. These changes are prophylactic and intended to respond to concerns that these authorities could be used to permit bulk data collection.

Furthermore, the legislation is not intended to limit the government to use a single ''specific selection term'' in an application under FISA or a National Security Letter. The government may use multiple ''specific selection terms'' in a single FISA application or a National Security Letter. For example, the government may request in a single FISA application or National Security Letter information or tangible things relating to multiple persons, entities, accounts, addresses or devices that are relevant to a pending investigation. Similarly, the government may, in a single FISA application or National Security Letter, use multiple ''specific selection terms''—such a date and premises—to further narrow the scope of production by a provider.

Our bill also ensures that America can protect Americans' privacy interests while at the same time being able to adapt to evolving national security threats and terrorists' use of ever-changing technology and capabilities to evade detection.

In particular, Section 501(c)(2)(F)(iii) provides for two hops—in other words, the Government will be able to obtain the call detail records in direct contact with a reasonable, articulable suspicion (or, RAS)-approved seed—this is the first hop—and then, using those call detail records or ones the Government identifies itself, obtain the second hop call detail records.

The legislation also creates a new mechanism for obtaining call detail records on a continuing basis for up to 180 days when there

are reasonable grounds to believe that the records are relevant to an authorized investigation to protect against international terrorism and there is a reasonable and articulable suspicion that the records are associated with a foreign power or the agent of a foreign power. The legislation is not intended to affect any current uses of Section 501 outside the bulk collection context, including the use of Section 501 to obtain specified call detail records related to foreign intelligence information not concerning a U.S. person, clandestine intelligence activities, or international terrorism.

I believe that our bill has made real improvements in the way our intelligence collection operates and in improving FISA to achieve even greater privacy and civil liberties protections.

I was opposed to the original USA FREEDOM Act because it put up too many legal hurdles that would have impeded our national security. In short, it would have threatened America's safety by effectively cutting off the building blocks of foreign intelligence investigations.

But we have worked together in a bipartisan manner, and we have come a long way Additionally, since our Committee markups, Chairman ROGERS and I have continued to work with the Judiciary Committee and the Administration to iron out some remaining issues, which we have done, and which is represented in the current bill.

The USA FREEDOM Act includes the necessary checks and balances across all three branches of government and strikes the correct balance that is so critical to protecting our nation, while also protecting Americans' privacy and civil liberties.

□ 1015

Mr. ROGERS of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. LOBIONDO), who has been incredibly important, not only on forming this piece of legislation to find the right balance, but his work across North Africa on Boko Haram before it was even popular in bringing attention and resources to important intelligence problems around the world in difficult places, a good friend, a great Member, and a great patriot.

Mr. LOBIONDO. Mr. Speaker, let me start out by thanking my colleagues for bringing together an incredibly complicated, difficult issue that probably as recently as a couple of months ago no one thought possible. Tremendous, tremendous accolades to Chairman ROGERS, to Mr. RUPPERSBERGER, to Mr. SENSENBRENNER, to Mr. CONYERS on a whole host of issues that, again, are critically important to our Nation.

You have heard the chairman and Mr. RUPPERSBERGER outline some of the key portions of this, but I think it is critically important to stress that the protection of Americans civil liberties must always be a top priority and always will be a top priority. This bipartisan bill underscores the importance of that while keeping our Nation safe.

The USA FREEDOM Act increases transparency. That is something that people have demanded: increased transparency to the American people, and it allows for greater oversight, something else that we listened to that people wanted to see.

It firmly, as Mr. RUPPERSBERGER and Mr. ROGERS have stated, ends bulk collection of records. This is critically important.

It reforms the Foreign Intelligence Surveillance Court, or FISC, to ensure greater checks and balances are placed in such sensitive national security programs.

But as we discuss this, let's not miss the bigger picture. I have had the opportunity to see firsthand in some pretty dark and remote places on the Earth how our enemies are plotting not just on a daily basis, but on a minute-by-minute basis of how to find a chink in our armor, how can they find some gap which will allow them to attack our homeland, to attack our citizens. This is a constant and ongoing threat.

This bill strikes a balance to allow that transparency for civil liberties while it underscores the ability of our intelligence community to be able to do their job. And having been, as Mr. ROGERS indicated, firsthand in some very remote places on the Earth, we have got some incredibly dedicated people who are putting their lives at risk every day to protect this country.

This is a good bill. Let's pass it.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois, Ms. JAN SCHAKOWSKY, a very important member of our Intelligence Committee, who focuses very strongly on issues of privacy and constitutional rights and people's rights.

Ms. SCHAKOWSKY. Mr. Speaker, as a cosponsor of the USA FREEDOM Act and a member of Permanent Select Committee on Intelligence, I have been committed to reforming these laws.

No bill is perfect, including this one. The USA FREEDOM Act we are voting on today is quite different from the original bill I cosponsored. It has changed significantly from the version recently passed by the House Intelligence and Judiciary Committees.

On its path to the floor, several of the bills' proposed reforms have been watered down and many of us would like to see stronger more meaningful change.

However, we must not let the perfect be the enemy of the good, and I want to congratulate all those who have been part of this bipartisan compromise.

The bill we are considering today includes real reforms, and the intent of Congress is clear: we are putting an end to the bulk collection of metadata, establishing meaningful prior judicial review, and ensuring that important FISA Court decisions are declassified for public consumption. These reforms are important, and future interpretations of FISA must reflect our intentions here today.

I support the act, and I look forward to the opportunity to continue to work with my colleagues to make even more improvements in the future.

Mr. ROGERS of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REED) to engage in a colloquy.

Mr. REED. Mr. Chairman, I rise today to commend your efforts, along with those of the Judiciary Committee, in bringing this legislation to the floor of the House. As you and I have met and discussed on numerous occasions, along with my good friend from Indiana (Mr. STUTZMAN), this issue is important to not only many of my constituents back in western New York, but also to our country.

Provisions in this bill, such as the reforms made to bulk data collection and enhanced declassification requirements, are specific ideas that were shared with me by constituents in western New York and brought to here, Washington, D.C.

As you know, I am happy to report, through our work with you, these provisions were incorporated into this legislation.

Mr. Chairman, as this bill moves forward, I hope I have your commitment to continue to work together to assure that a balance between national security and the protection of our personal freedoms is achieved.

Mr. ROGERS of Michigan. Mr. Speaker, I would like to thank the gentleman from New York for his diligent work on this issue since last summer. Mr. REED's work, along with that of Mr. STUTZMAN from Indiana, was critical to ensuring that we struck the right balance on this legislation. We would not have been able to find that sweet spot that got us to such a strong bipartisan agreement without input from these and other Members interested in finding a solution. Again, I want to thank the gentleman from New York for his interest, his time, and his effort to help be a part of the forging of this important piece of legislation.

With that, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), an expert in cybersecurity. For the years I have been in Congress, I have worked with Mr. LANGEVIN on this issue.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the USA FREEDOM Act.

I want to thank and congratulate all those who had a hand in crafting the legislation before us, particularly Chairman ROGERS and Ranking Member RUPPERSBERGER.

Changes to our national security program should not be taken lightly, and this compromise legislation is the result of vigorous debate and careful consideration. As Chairman ROGERS pointed out, with all the reviews and investigations that have taken place with respect to the bulk collection program, no violations of law were found. But

there was concern that there could be abuses in the future, and the American people wanted a better balance to be struck between national security and protecting privacy and civil liberties and more accountability. Many of my constituents have expressed concerns about the sanctity of their civil liberties, and I share their concern. I firmly believe that this legislation protects that privacy by ending bulk metadata collection while still safeguarding our national security.

I am particularly pleased that this legislation includes provisions very similar to those that I championed in the Intelligence Committee which allow the Foreign Intelligence Surveillance Court to appoint an independent advocate with legal or technical expertise in the field, such as privacy and civil liberties, intelligence collection, telecommunication, cyber, or any other area of law necessary in order to ensure independent checks on government surveillance within the court's process.

With that, I urge my colleagues to support the bill.

Mr. ROGERS of Michigan. Mr. Speaker, I want to briefly thank Mr. LANGEVIN, who has done not only incredible work on this particular bill, but his work on cybersecurity should make Americans proud of his effort to move that ball down the field. Without his expertise on these matters, the United States would be a little worse off when it comes to national security. I want to thank the gentleman for his work on this bill and his work on cyber and other national security issues.

I continue I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SCHIFF), a very important member of our committee who does his homework and has really helped me a lot and advised me on a lot of issues that are important to our committee.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the USA FREEDOM Act. This bill ends the bulk collection of American's telephone records and puts in place reforms to surveillance authorities to protect privacy and increased transparency.

I have long advocated that the telephone metadata program should end in favor of a system in which telecommunications providers retain their own records so they can be queried based on a court-approved, reasonable, articulable suspicion standard. That is precisely what this bill puts in place. It allows us to keep the capabilities that we need to protect the Nation from terrorist plots while protecting privacy and civil liberties.

There are remaining ways that the bill can be improved, and I hope as it heads to the Senate there will be opportunities to do so. In particular, I would like to see provisions to introduce an adversarial process in the FISA Court. The FISA Court and the public trust would benefit from an independent advocate in the limited number of cases that call for significant statutory interpretation or novel legal issues. I hope that the Senate will include such provisions, which would be both wise and constitutionally sound.

With that, I urge a ''yes'' vote, and I compliment my chair and ranking member on the extraordinary job they have done.

Mr. ROGERS of Michigan. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GALLEGO).

Mr. GALLEGO. Mr. Speaker, I serve on the House Armed Services Committee, and through that assignment I have had the opportunity to spend a lot of time with soldiers, airmen, marines, sailors, and their families.

Like all Americans, I certainly want our sons and daughters to be safe when we send them into harm's way. We want to take as much care of them as we possibly can.

The media has talked some about some of the documents that were released by Mr. Snowden, but there were at one point 7 million documents that were released. Many of these documents didn't even relate to the NSA. When those files are disclosed in the press and they are disclosed to our adversaries that naturally puts our sons and daughters in harm's way. It should say something that the first place you go is China and the second place you go is Russia. That should say something to the American people.

This Memorial Day, I want the American people to focus on those men and women, our country's sons and daughters, who have honorably served our Nation and have stood by their brothers in arms and protected one another as we have asked them to fight for us.

Mr. Chairman and Mr. Ranking Member, thank you for your work on this legislation.

Mr. ROGERS of Michigan. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I am prepared to close, and I yield myself such time as I may consume.

The USA FREEDOM Act is a bipartisan compromise that is strongly supported by the administration.

Our bill protects privacy and civil liberties while also protecting national security.

I urge members to support the USA FREEDOM Act. Nothing in this bill will legalize bulk collection. Unfortunately, there are those Members that are saying this will legalize bulk collection. It is clear that this bill—read the bill—states: there will be no more bulk collection by the government. That is what the bill says, end of story.

This bill balances the issue of taking care and protecting our country from people and individuals who want to kill us and attack us and our allies. But yet it also does what is so important to Americans: to make sure that we protect our constitutional rights and our privacy. It is a balance—it is Republicans, Democrats, left, right, in the middle—coming together and doing what is right for this country. This is what this body should do. We are asking for a ''yes'' vote on the USA FREEDOM Act.

Also, in closing, I want to acknowledge the leadership of Chairman ROGERS and his important leadership that has allowed us to get to this level, the Judiciary Committee, Chairman GOODLATTE, Ranking Member CONYERS, and also Mr. SENSENBRENNER.

I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

In the comity of the moment, with all the love extended and the group hugs and the high fives, I think it is important to America to understand how much effort—how proud I think they should be about the intensity of the debate and discussion over what this bill looks like because I believe everybody involved in this cares about civil liberties and privacy; they do, wherever you fall on it. And I do believe that everybody who is involved in this cares about our national security.

□ 1030

This debate—this fierce, intense debate—that happened off of this floor in committees, in negotiations over every word and every paragraph and every period, resulted in the bill that you see before us today that did get bipartisan support and buy-in for a very critical issue: at the end of the day, the national security of the United States and the public's trust in the intelligence agencies, which have the responsibility each and every day, in some very dangerous places around the world, to collect the information that keeps America safe.

At the end of this, I hope that people take away from this debate that those who believed that the first round of negotiations meant that our national security was in peril and those who believed in the first round of negotiations that our civil liberties and privacy were in peril found that right balance today. It is that important for our country.

Mr. Speaker, I only bring that up, and I thank all of those involved—the Republicans and Democrats on the Judiciary, the Republicans and Democrats on the Intel Committee, and all of those who were involved in this negotiation.

I think they have done America a favor today, and they have brought back the institutional notion of negotiation and intensity of debate that brings us to a better place today. I think this bill is a result of that. America should be proud.

Now, we can move forward on other national security priorities that will

serve to protect Americans' and our allies' lives around the world.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I reluctantly vote for H.R. 3361. I do so because I recognize that important authorities which help keep our people safe expire next year and that there is a significant chance that those authorities may not be renewed. I also recognize that the abuse of government power by the Obama Administration has damaged the trust that the American people have even in the military and civilian professionals at the National Security Agency. An orchestrated campaign of distortions and half-truths has called NSA's trustworthiness into question for too many Americans.

That is unfortunate and unfair. The men and women at NSA have had more than a decade of remarkable success, not only in protecting our country from another 9/11-type attack, but supporting our warfighters on the ground in Iraq, Afghanistan, and around the world. While few Americans will ever learn the details of their accomplishments, we all benefit from their hard work, dedication to their mission, and professionalism.

We should be clear-eyed about the effects of this bill. It makes it harder to gather the information necessary to stop terrorism; it means that it will take longer to find the essential connections of terrorist networks; and this bill makes it less likely, hopefully only slightly less likely, that we will stop future terrorist attacks. But there is no doubt that America will be less safe from terrorist attack after this bill takes effect than it is today.

Apparently, that result is inevitable if we are to prevent even worse damage to our country's security and our people's safety. So, I vote today to minimize the damage to our national security while maintaining respect and gratitude for the men and women in the military, intelligence community, and law enforcement who dedicate their lives to keeping us all safe.

Mr. ISSA. Mr. Speaker, government should protect our liberties, not violate them. Individuals and businesses alike must be able to trust their government to work for them—not spy on them. The NSA's bulk collection of Americans' phone records threatens our constitutional liberties.

We have the opportunity to pass legislation that both limits the reach of the NSA and provides the transparency to lawmakers and the American people necessary to prevent abusive practices from happening again. We have the opportunity to begin to restore the trust of the American people.

The original and Committee-passed versions of the USA FREEDOM Act struck a careful balance between our liberty and our security, providing the reforms necessary to restore trust. I was proud to be an original cosponsor of this bill, and commend Representative Jim Sensenbrenner and Chairman Bob Goodlatte for their work to protect our civil liberties.

Unfortunately, the floor-version of the USA FREEDOM Act falls short of our goal.

This legislation would still allow for the mass collection of information. The Committee-passed legislation required court orders to be based on ''specific-selection terms''—which was defined as a ''person, entity or account.'' The floor version broadens the scope of ''specific-selection term'' by defining it as a ''discrete term.'' This ambiguous legal phrase does not have defined limitations, and could capture millions of individuals' information.

The existing data collection programs that were revealed to the American people within the last year are unacceptable, and we must not only legislate stronger safeguards for intelligence gathering but must vigorously conduct oversight to prevent constitutional intrusions by big government. Of the few transparency requirements left in the bill, significant construction of law made by the Foreign Intelligence Surveillance Court (FISC) would be reviewed for declassification to the American people. However, the floor version of the bill transfers the authority to conduct declassification to the Director of National Intelligence, James Clapper. Last year, Director Clapper lied under oath to Congress when asked about the existence of programs that collect data on millions of Americans. I cannot in good conscious support legislation that would place the responsibility of transparency with a government official who has already violated the trust of the American people.

For these reasons, I will not support the floor version of the USA FREEDOM Act. I hope that my colleagues and I will be able to come together to enact reforms the American people deserve.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 590, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 303, nays 121, not voting 7, as follows:

[Roll No. 230]

YEAS—303

Aderholt
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Beatty
Benishek
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Byrne
Calvert
Camp
Cantor
Capito
Capps
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clay
Cleaver
Clyburn
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Davis (CA)
Davis, Rodney
Delaney
DeLauro
Denham
Dent
DeSantis
Deutch
Diaz-Balart
Dingell
Duckworth
Duncan (TN)
Ellmers
Engel
Enyart
Esty
Farenthold
Fincher
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garamendi
Garcia
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guthrie
Gutiérrez
Hall
Harper
Hartzler
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Holding
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Jackson Lee
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Joyce
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Marino
Matheson
McAllister
McCarthy (CA)
McCarthy (NY)
McCaul
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Moore
Moran
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Petri
Pittenger
Pitts
Pocan
Pompeo
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Rice (SC)
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Titus
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Wagner
Walberg
Walden
Wasserman Schultz
Waters
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—121

Amash
Barton
Becerra
Bentivolio
Blumenauer
Bonamici
Brady (PA)
Broun (GA)
Burgess
Campbell
Capuano
Cárdenas
Cartwright
Clark (MA)
Clarke (NY)
Crowley
Cummings
Daines
Davis, Danny
DeFazio
DeGette
DelBene
DesJarlais
Doggett
Doyle
Duncan (SC)
Edwards
Ellison
Eshoo
Farr
Fattah
Fitzpatrick
Fleming
Foster
Gabbard
Gardner
Garrett
Gibson
Gohmert
Gosar
Graves (GA)
Grayson
Griffith (VA)
Grijalva
Hahn
Hanabusa
Hanna
Harris
Hastings (FL)
Hinojosa
Holt
Honda
Horsford
Huelskamp
Issa
Jeffries
Jones
Jordan
Kaptur
Keating
King (IA)
Kingston
Labrador
Lee (CA)
Lewis
Lofgren
Lowenthal
Lummis
Maffei

Marchant	Polis	Swalwell (CA)
Massie	Posey	Takano
Matsui	Ribble	Terry
McClintock	Roe (TN)	Thompson (MS)
McCollum	Rohrabacher	Tierney
McGovern	Rokita	Tipton
Meadows	Rothfus	Tonko
Miller, George	Ryan (OH)	Velázquez
Mulvaney	Salmon	Visclosky
Neal	Sanchez, Loretta	Walorski
Negrete McLeod	Sanford	Walz
Nolan	Schweikert	Waxman
O'Rourke	Serrano	Weber (TX)
Owens	Shea-Porter	Welch
Pallone	Smith (WA)	Yarmuth
Perry	Speier	Yoho
Pingree (ME)	Stockman	
Poe (TX)	Stutzman	

NOT VOTING—7

Bass	Richmond	Slaughter
Duffy	Rush	
Miller, Gary	Schwartz	

□ 1103

Messrs. DANNY DAVIS of Illinois, ROHRABACHER, ISSA, BRADY of Pennsylvania, WELCH, TONKO, FITZPATRICK, SERRANO, CUMMINGS, MAFFEI, ELLISON, and LOWENTHAL changed their vote from ''yea'' to ''nay.''

Mrs. CAROLYN B. MALONEY of New York, Messrs. HIMES, COLE, LYNCH, Ms. MOORE, Messrs. LAMALFA and DESANTIS changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1036. An act to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the ''National Park Ranger Margaret Anderson Post Office''.

H.R. 1228. An act to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the ''Corporal Justin D. Ross Post Office Building''.

H.R. 1451. An act to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the ''Staff Sergeant Nicholas J. Reid Post Office Building''.

H.R. 2391. An act to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri as the ''Lance Corporal Phillip Vinnedge Post Office''.

H.R. 3060. An act to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burleson, Texas, as the ''Sergeant William Moody Post Office Building''.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2086. An act to address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

HOWARD P. ''BUCK'' MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

The SPEAKER pro tempore. Pursuant to House Resolution 590 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4435.

Will the gentleman from Arkansas (Mr. WOMACK) kindly take the chair.

□ 1105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. WOMACK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, May 21, 2014, the seventh set of en bloc amendments, as modified, offered by the gentleman from California (Mr. MCKEON) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 113–460 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MCKINLEY of West Virginia.

Amendment No. 6 by Mr. SHIMKUS of Illinois.

Amendment No. 10 by Mr. SMITH of Washington.

Amendment No. 11 by Mr. SMITH of Washington.

Amendment No. 15 by Ms. JENKINS of Kansas.

Amendment No. 17 by Mr. LAMBORN of Colorado.

Amendment No. 21 by Mr. SCHIFF of California.

Amendment No. 24 by Mr. BLUMENAUER of Oregon.

The Chair will reduce to 2 minutes the time for any electronic vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. MCKINLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 192, not voting 8, as follows:

[Roll No. 231]

AYES—231

Aderholt	Graves (MO)	Petri
Amash	Griffin (AR)	Pittenger
Amodei	Griffith (VA)	Pitts
Bachmann	Grimm	Poe (TX)
Bachus	Guthrie	Pompeo
Barletta	Hall	Posey
Barr	Hanna	Price (GA)
Barrow (GA)	Harper	Rahall
Barton	Harris	Reed
Benishek	Hartzler	Reichert
Bentivolio	Hastings (WA)	Renacci
Bilirakis	Heck (NV)	Ribble
Bishop (UT)	Hensarling	Rice (SC)
Black	Herrera Beutler	Rigell
Blackburn	Holding	Roby
Boustany	Hudson	Roe (TN)
Brady (TX)	Huelskamp	Rogers (AL)
Bridenstine	Huizenga (MI)	Rogers (KY)
Brooks (AL)	Hultgren	Rogers (MI)
Brooks (IN)	Hunter	Rohrabacher
Broun (GA)	Hurt	Rokita
Buchanan	Issa	Rooney
Bucshon	Jenkins	Ros-Lehtinen
Burgess	Johnson (OH)	Roskam
Byrne	Johnson, Sam	Ross
Calvert	Jolly	Rothfus
Camp	Jones	Royce
Campbell	Jordan	Runyan
Cantor	Joyce	Ryan (WI)
Capito	Kelly (PA)	Salmon
Carter	King (IA)	Sanford
Cassidy	King (NY)	Scalise
Chabot	Kingston	Schock
Chaffetz	Kinzinger (IL)	Schweikert
Coble	Kline	Scott, Austin
Coffman	Labrador	Sensenbrenner
Cole	LaMalfa	Sessions
Collins (GA)	Lamborn	Shimkus
Collins (NY)	Lance	Shuster
Conaway	Lankford	Simpson
Cook	Latham	Smith (MO)
Cotton	Latta	Smith (NE)
Cramer	Long	Smith (NJ)
Crawford	Lucas	Smith (TX)
Crenshaw	Luetkemeyer	Southerland
Cuellar	Lummis	Stewart
Culberson	Marchant	Stivers
Daines	Marino	Stockman
Davis, Rodney	Massie	Stutzman
Denham	McAllister	Terry
Dent	McCarthy (CA)	Thompson (PA)
DeSantis	McCaul	Thornberry
DesJarlais	McClintock	Tiberi
Diaz-Balart	McHenry	Tipton
Duncan (SC)	McIntyre	Turner
Duncan (TN)	McKeon	Upton
Ellmers	McKinley	Valadao
Farenthold	McMorris Rodgers	Wagner
Fincher	Meadows	Walberg
Fitzpatrick	Meehan	Walden
Fleischmann	Messer	Walorski
Fleming	Mica	Weber (TX)
Flores	Miller (FL)	Webster (FL)
Forbes	Miller (MI)	Wenstrup
Fortenberry	Mullin	Westmoreland
Foxx	Mulvaney	Whitfield
Franks (AZ)	Murphy (PA)	Williams
Frelinghuysen	Neugebauer	Wilson (SC)
Gardner	Noem	Wittman
Gerlach	Nugent	Wolf
Gibbs	Nunes	Womack
Gingrey (GA)	Nunnelee	Woodall
Gohmert	Olson	Yoder
Goodlatte	Palazzo	Yoho
Gosar	Paulsen	Young (AK)
Gowdy	Pearce	Young (IN)
Granger	Perry	
Graves (GA)		

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Barber	Cárdenas	Cooper
Beatty	Carney	Costa
Becerra	Carson (IN)	Courtney
Bera (CA)	Cartwright	Crowley
Bishop (GA)	Castor (FL)	Cummings
Bishop (NY)	Castro (TX)	Davis (CA)
Blumenauer	Chu	Davis, Danny
Bonamici	Cicilline	DeFazio
Brady (PA)	Clark (MA)	DeGette
Braley (IA)	Clarke (NY)	Delaney
Brown (FL)	Clay	DeLauro
Brownley (CA)	Cleaver	DelBene
Bustos	Clyburn	Deutch
Butterfield	Cohen	Dingell
Capps	Connolly	Doggett
Capuano	Conyers	Doyle