

traditions of the United States, operating as community-based small businesses, providing employment for 115,000 full- and part-time workers, and generating annually more than \$3,000,000,000 in wages and benefits;

Whereas the United States has craft brewers in every State and more than 3,500 craft breweries nationwide, each producing fewer than 6,000,000 barrels of beer annually;

Whereas in 2014, 615 new breweries opened in the United States, creating jobs and improving economic conditions in communities across the United States;

Whereas in 2014, craft breweries in the United States produced more than 22,000,000 barrels of beer, which is 3,300,000 more barrels than craft breweries produced in 2013;

Whereas the craft brewers of the United States now export more than 383,000 barrels of beer and are establishing new markets abroad, which creates more domestic jobs to meet the growing international demand for craft beer from the United States;

Whereas the craft brewers of the United States support United States agriculture by purchasing barley, malt, and hops that are grown, processed, and distributed in the United States;

Whereas the craft brewers of the United States produce more than 100 distinct styles of flavorful beers, including many sought-after new and unique styles ranging from smoked porters to pumpkin peach ales that—

(1) contribute to a favorable balance of trade by reducing United States dependence on imported beers;

(2) support United States exports; and

(3) promote United States tourism;

Whereas craft beers from the United States consistently win international quality and taste awards;

Whereas the craft brewers of the United States strive to educate the people of the United States who are of legal drinking age about the differences in beer flavor, aroma, color, alcohol content, body, and other complex variables, the gastronomic qualities of beer, beer history, and historical brewing traditions dating back to colonial times and earlier;

Whereas the craft brewers of the United States champion the message of responsible enjoyment to their customers and work within their communities and the industry to prevent alcohol abuse and underage drinking;

Whereas the craft brewers of the United States are frequently involved in local communities through philanthropy, volunteerism, and sponsorship opportunities, including parent-teacher associations, Junior Reserve Officers' Training Corps (JROTC), hospitals for children, chambers of commerce, humane societies, rescue squads, athletic teams, and disease research;

Whereas the craft brewers of the United States are fully vested in the future success, health, welfare, and vitality of their communities as local employers who provide a diverse array of quality local jobs that will not be outsourced, who contribute to the local tax base; and who keep money in the United States by reinvesting in their businesses; and

Whereas increased Federal, State, and local support of craft brewing is important to fostering the continued growth of an industry of the United States that creates jobs, greatly benefits local economies, and brings international accolades to small businesses in the United States: Now, therefore, be it

Resolved, That the United States Senate—

(1) appreciates the goals of American Craft Beer Week, established by the Brewers Association, which represents the small craft brewers of the United States;

(2) recognizes the significant contributions of the craft brewers of the United States to the economy and to the communities in which the craft brewers are located; and

(3) commends the craft brewers of the United States for providing jobs, supporting United States agriculture, improving the balance of trade, and educating the people of the United States and beer lovers around the world about the history and culture of beer while promoting the legal and responsible consumption of beer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1441. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2048, 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; which was ordered to lie on the table.

SA 1442. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2048, supra; which was ordered to lie on the table.

SA 1443. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2048, supra; which was ordered to lie on the table.

SA 1444. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2048, supra; which was ordered to lie on the table.

SA 1445. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2048, supra; which was ordered to lie on the table.

SA 1446. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2048, supra; which was ordered to lie on the table.

SA 1447. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2048, supra; which was ordered to lie on the table.

SA 1448. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2048, supra; which was ordered to lie on the table.

SA 1449. Mr. MCCONNELL (for himself and Mr. BURR) proposed an amendment to the bill H.R. 2048, supra.

SA 1450. Mr. MCCONNELL proposed an amendment to amendment SA 1449 proposed by Mr. MCCONNELL (for himself and Mr. BURR) to the bill H.R. 2048, supra.

SA 1451. Mr. MCCONNELL proposed an amendment to amendment SA 1450 proposed by Mr. MCCONNELL to the amendment SA 1449 proposed by Mr. MCCONNELL (for himself and Mr. BURR) to the bill H.R. 2048, supra.

SA 1452. Mr. MCCONNELL (for himself and Mr. BURR) proposed an amendment to the bill H.R. 2048, supra.

SA 1453. Mr. MCCONNELL proposed an amendment to amendment SA 1452 proposed by Mr. MCCONNELL (for himself and Mr. BURR) to the bill H.R. 2048, supra.

TEXT OF AMENDMENTS ON MAY 22, 2015

SA 1440. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2048, 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—COMMISSION ON PRIVACY RIGHTS IN THE DIGITAL AGE

SECTION 901. SHORT TITLE.

This title may be cited as the “Commission on Privacy Rights in the Digital Age Act of 2015”.

SEC. 902. FINDINGS.

Congress makes the following findings:

(1) Today, technology that did not exist 30 years ago pervades every aspect of life in the United States.

(2) Nearly ⅔ of adults in the United States own a smartphone, and 43 percent of adults in the United States rely solely on their cell phone for telephone use.

(3) 84 percent of households in the United States own a computer and 73 percent of households in the United States have a computer with an Internet broadband connection.

(4) Federal policies on privacy protection have not kept pace with the rapid expansion of technology.

(5) Innovations in technology have led to the exponential expansion of data collection by both the public and private sectors.

(6) Consumers are often unaware of the collection of their data and how their information can be collected, bought, and sold by private companies.

SEC. 903. PURPOSE.

The purpose of this title is to establish, for a 2-year period, a Commission on Privacy Rights in the Digital Age to—

(1) examine—

(A) the ways in which public agencies and private companies gather data on the people of the United States; and

(B) the ways in which that data is utilized, either internally or externally; and

(2) make recommendations concerning potential policy changes needed to safeguard the privacy of the people of the United States.

SEC. 904. COMPOSITION OF THE COMMISSION.

(a) **ESTABLISHMENT.**—To carry out the purpose of this title, there is established in the legislative branch a Commission on Privacy Rights in the Digital Age (in this title referred to as the “Commission”).

(b) **COMPOSITION.**—The Commission shall be composed of 12 members, as follows:

(1) Four members appointed by the President, of whom—

(A) 2 shall be appointed from the executive branch of the Government; and

(B) 2 shall be appointed from private life.

(2) Two members appointed by the majority leader of the Senate, of whom—

(A) 1 shall be a Member of the Senate; and

(B) 1 shall be appointed from private life.

(3) Two members appointed by the minority leader of the Senate, of whom—

(A) 1 shall be a Member of the Senate; and

(B) 1 shall be appointed from private life.

(4) Two members appointed by the Speaker of the House of Representatives, of whom—

(A) 1 shall be a Member of the House; and

(B) 1 shall be appointed from private life.

(5) Two members appointed by the minority leader of the House of Representatives, of whom—

(A) 1 shall be a Member of the House; and

(B) 1 shall be appointed from private life.

(c) **CHAIRPERSON.**—The Commission shall elect a Chairperson and Vice-Chairperson from among its members.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members.

(2) QUORUM.—Seven members of the Commission shall constitute a quorum.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(e) APPOINTMENT OF MEMBERS; INITIAL MEETING.—

(1) APPOINTMENT OF MEMBERS.—Each member of the Commission shall be appointed not later than 60 days after the date of enactment of this Act.

(2) INITIAL MEETING.—On or after the date on which all members of the Commission have been appointed, and not later than 60 days after the date of enactment of this Act, the Commission shall hold its initial meeting.

SEC. 905. DUTIES OF THE COMMISSION.

The Commission shall—

(1) conduct an investigation of relevant facts and circumstances relating to the expansion of data collection practices in the public, private, and national security sectors, including implications for—

(A) surveillance;

(B) political, civil, and commercial rights of individuals and corporate entities;

(C) employment practices, including hiring and firing; and

(D) credit availability and reporting; and

(2) submit to the President and Congress reports containing findings, conclusions, and recommendations for corrective measures relating to the facts and circumstances investigated under paragraph (1), in accordance with section 911.

SEC. 906. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this title—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member determines advisable; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member determines advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(1) IN GENERAL.—A subpoena may be issued under paragraph (1) only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of 8 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under paragraph (1) may—

(I) be issued under the signature of—

(aa) the Chairperson; or

(bb) a member designated by a majority of the Commission; and

(II) be served by—

(aa) any person designated by the Chairperson; or

(bb) a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(1) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is return-

able, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

(ii) CONTEMPT OF COURT.—Any failure to obey the order of the court under clause (i) may be punished by the court as a contempt of that court.

(3) WITNESS ALLOWANCES AND FEES.—

(A) IN GENERAL.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission.

(B) SOURCE OF FUNDS.—The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act.

(2) FURNISHING OF INFORMATION.—If the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission submits to a Federal department or agency a request for information under paragraph (1), the head of the department or agency shall, to the extent authorized by law, furnish the information directly to the Commission.

(3) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information furnished under paragraph (2) shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance provided under paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as the departments and agencies may determine advisable and as authorized by law.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

SEC. 907. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under subsections (a) and (b) of section 911.

(c) PUBLIC HEARINGS.—Any public hearing of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or executive order.

SEC. 908. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson, in consultation with the Vice

Chairperson and in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Commission to carry out the functions of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of that title.

SEC. 909. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 910. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible under applicable procedures and requirements, and no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 911. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission shall submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations

for corrective measures as have been agreed to by a majority of Commission members.

(c) CLASSIFIED INFORMATION.—Each report submitted under subsection (a) or (b) shall be in unclassified form, but may include a classified annex.

(d) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities under this title, shall terminate 60 days after the date on which Commission submits the final report under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 912. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

TEXT OF AMENDMENTS

SA 1441. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2048, 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; which was ordered to lie on the table; as follows:

On page 4, strike line 20 and all that follows through page 5, line 4, and insert the following:

protect against international terrorism, a statement of facts showing that there is probable cause to believe that—

“(i) 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) such specific selection term

SA 1442. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2048, 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; which was ordered to lie on the table; as follows:

On page 29, line 6, strike the quotation marks and the second period and insert the following:

“(iii) LIMITATION TO ACTS OF TERRORISM AND ESPIONAGE.—Notwithstanding clauses (i) and (ii), no information obtained or evidence derived from a part of certification or procedure relating to which the Court orders a correction of a deficiency under subparagraph (B) shall be disclosed in a criminal case by the Government unless the defendant is charged with an act of espionage under chapter 37 of title 18, United States Code, or an act of terrorism (as defined under section 3077 of title 18, United States Code).”.

SA 1443. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2048, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENT OF NOTICE TO DEFENDANTS.

(a) IN GENERAL.—

(1) ELECTRONIC SURVEILLANCE.—Section 106 (50 U.S.C. 1806) is amended by striking subsections (c) and (d) and inserting the following:

“(c)(1) Whenever the Government initiates a proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against a person, the Government shall notify the person and the court or authority of—

“(A) each title of this Act the Government relied on to obtain the communications of the person or information about the communications or activities of the person, which contributed in any manner to the investigation of the person; and

“(B) each type of communication or information obtained under this Act, as described in the order or directive relied upon to obtain the communication or information.

“(2) The Government shall provide the notification required under paragraph (1) before or within a reasonable time after the commencement of the proceeding.

“(d) The notification requirement under subsection (c) shall apply to any State or political subdivision thereof whenever the State or political subdivision initiates a proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision against a person, in the same manner such subsection applies to the Government in connection with a proceeding against a person.”.

(2) PHYSICAL SEARCHES.—Section 305 (50 U.S.C. 1825) is amended by striking subsections (d) and (e) and inserting the following:

“(d)(1) Whenever the Government initiates a proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against a person, the Government shall notify the person and the court or authority of—

“(A) each title of this Act the Government relied on to obtain the communications of the person or information about the communications or activities of the person, which contributed in any manner to the investigation of the person; and

“(B) each type of communication or information obtained under this Act, as described in the order or directive relied upon to obtain the communication or information.

“(2) The Government shall provide the notification required under paragraph (1) before or within a reasonable time after the commencement of the proceeding.

“(e) The notification requirement under subsection (d) shall apply to any State or political subdivision thereof whenever the State or political subdivision initiates a proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision against a person, in the same manner such subsection applies to the Government in connection with a proceeding against a person.”.

(3) PEN REGISTER AND TRAP AND TRACE DEVICES.—Section 405 (50 U.S.C. 1845) is amended by striking subsections (c) and (d) and inserting the following:

“(c)(1) Whenever the Government initiates a proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against a person, the Government shall notify the person and the court or authority of—

“(A) each title of this Act the Government relied on to obtain the communications of the person or information about the communications or activities of the person, which contributed in any manner to the investigation of the person; and

“(B) each type of communication or information obtained under this Act, as described in the order or directive relied upon to obtain the communication or information.

“(2) The Government shall provide the notification required under paragraph (1) before or within a reasonable time after the commencement of the proceeding.

“(d) The notification requirement under subsection (c) shall apply to any State or political subdivision thereof whenever the State or political subdivision initiates a proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision against a person, in the same manner such subsection applies to the Government in connection with a proceeding against a person.”.

(b) TANGIBLE THINGS.—Section 501 (50 U.S.C. 1861), as amended by section 107 of this Act, is amended by adding at the end the following:

“(1) SUPPRESSION OF EVIDENCE.—

“(1) MOTION TO SUPPRESS.—

“(A) IN GENERAL.—Any person against whom evidence obtained or derived from the production of tangible things under this title is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from the production of the communications of the person or information about the communications or activities of the person on the grounds that—

“(i) the information was unlawfully acquired; or

“(ii) the production was not made in accordance with an order of authorization or approval.

“(B) TIMING.—A motion described in subparagraph (A) shall be made before the trial, hearing, or other proceeding commences, unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

“(2) IN CAMERA AND EX PARTE REVIEW BY COURT.—

“(A) DEFINITION.—In this paragraph, the term ‘covered circumstance’ means—

“(i) that—

“(I) a court or authority receives a notice under subsection (c) or (d) of section 106, subsection (d) or (e) of section 305, or subsection (c) or (d) of section 405 that relates to the production of tangible things under this title;

“(II) a motion is made under paragraph (1) of this subsection; or

“(III) a motion or request is made by a person under any other statute or rule of the United States or any State before a court or authority of the United States or any State to—

“(aa) discover or obtain applications or orders or other materials relating to the production of tangible things under this title; or

“(bb) discover, obtain, or suppress evidence or information obtained or derived from the