I encourage all Members here today to carry with them the courage and determination that Dana brought into this world: to always think and live life with positivity and never ever stop believing in doing good by others.

NATIONAL HUMAN TRAFFICKING AWARENESS DAY

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

Mr. POE of Texas. Mr. Speaker, as a judge in Texas, I saw it all: rape, robbery, murder, kidnapping, child abuse. Now, in Congress, we are learning about the horrors of human trafficking, sex slavery.

Many groundbreaking laws have been passed to increase resources for victims and crack down on traffickers and buyers, but like all criminal enterprises, traffickers constantly stay ahead of the law.

Fortunately for victims, there is an army of individuals, NGOs, religious and other advocacy groups fighting on behalf of victims. The people serving in these organizations are New Friends New Life, RAIN, Polaris, Rights4Girls, Shared Hope, Coalition Against Trafficking, and Demand Abolition, just to name a few. They have all dedicated their lives to serve and save victims of trafficking on the front lines.

On this National Human Trafficking Awareness Day, I want to thank all those warriors—the victims' posse, as I call them—battling the injustice of human slavery. We will not give up this fight until this scourge has been eradicated.

And that is just the way it is.

□ 0915

COMMEMORATING KOREAN AMERICAN DAY

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

Mr. GOMEZ. Mr. Speaker, today I rise to commemorate Korean American Day, which celebrates the arrival of the first 102 Korean immigrants to the United States on January 13, 1903.

The first Korean immigrants came in pursuit of the American Dream and initially served as farmworkers, wage laborers, and section hands. Through resilience, effort, and sacrifice, they established the foundation for their children and future generations. Today, nearly 2 million Korean Americans have honored their ancestors' legacy and achieved the American Dream by transforming all aspects of American life: from Roy Choi, who joined Latino and Korean culture to create new cuisines that have won the stomachs of all Americans; to the first Korean American elected to Congress, Jay Kim; and to the countless Korean Americans who run successful small businesses.

I am honored to represent the largest Korean population in the country and to reintroduce this resolution on the 115th anniversary of the first Korean immigrant arrivals. I call upon my colleagues to join me in acknowledging the Korean Americans who helped strengthen and shape our country.

RAPID DNA ACT OF 2017

Mr. STEWART. Mr. Speaker, pursuant to House Resolution 682, I call up the bill (S. 139) to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 682, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–53, shall be considered as adopted, and the bill, as amended, is considered read.

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

S. 139

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 ''FISA Amendments Reauthorization Act of 2017''.

(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—ENHANCEMENTS TO FOREIGN INTELLIGENCE COLLECTION AND SAFEGUARDS, ACCOUNTABILITY, AND OVERSIGHT

SEC. 101. QUERYING PROCEDURES REQUIRED.

(a) QUERYING PROCEDURES.—

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

(A) by redesignating subsections (f) through (l) as subsections (g) through (m), respectively; and

(B) by inserting after subsection (e) the following new subsection:

''(f) QUERIES.—

''(1) PROCEDURES REQUIRED.—

''(A) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt querying procedures consistent with the requirements of the fourth amendment to the Constitution of the United States for information collected pursuant to an authorization under subsection (a).

''(B) RECORD OF UNITED STATES PERSON QUERY TERMS.—The Attorney General, in consultation with the Director of National Intelligence, shall ensure that the procedures adopted under subparagraph (A) include a technical procedure whereby a record is kept of each United States person query term used for a query.

''(C) JUDICIAL REVIEW.—The procedures adopted in accordance with subparagraph (A) shall be subject to judicial review pursuant to subsection (j).

''(2) ACCESS TO RESULTS OF CERTAIN QUERIES CONDUCTED BY FBI.—

''(A) COURT ORDER REQUIRED FOR FBI REVIEW OF CERTAIN QUERY RESULTS IN CRIMINAL INVESTIGATIONS UNRELATED TO NATIONAL SECURITY.—Except as provided by subparagraph (E), in connection with a predicated criminal investigation opened by the Federal Bureau of Investigation that does not relate to the national security of the United States, the Federal Bureau of Investigation may not access the contents of communications acquired under subsection (a) that were retrieved pursuant to a query made using a United States person query term that was not designed to find and extract foreign intelligence information unless—

''(i) the Federal Bureau of Investigation applies for an order of the Court under subparagraph (C); and

''(ii) the Court enters an order under subparagraph (D) approving such application.

''(B) JURISDICTION.—The Court shall have jurisdiction to review an application and to enter an order approving the access described in subparagraph (A).

''(C) APPLICATION.—Each application for an order under this paragraph shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subparagraph (B). Each application shall require the approval of the Attorney General based upon the finding of the Attorney General that the application satisfies the criteria and requirements of such application, as set forth in this paragraph, and shall include—

''(i) the identity of the Federal officer making the application; and

''(ii) an affidavit or other information containing a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant that the contents

of communications described in subparagraph (A) covered by the application would provide evidence of—

''(I) criminal activity;

''(II) contraband, fruits of a crime, or other items illegally possessed by a third party; or

''(III) property designed for use, intended for use, or used in committing a crime.

''(D) ORDER.—Upon an application made pursuant to subparagraph (C), the Court shall enter an order approving the accessing of the contents of communications described in subparagraph (A) covered by the application if the Court finds probable cause to believe that such contents would provide any of the evidence described in subparagraph (C)(ii).

''(E) EXCEPTION.—The requirement for an order of the Court under subparagraph (A) to access the contents of communications described in such subparagraph shall not apply with respect to a query if the Federal Bureau of Investigation determines there is a reasonable belief that such contents could assist in mitigating or eliminating a threat to life or serious bodily harm.

''(F) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as—

''(i) limiting the authority of the Federal Bureau of Investigation to conduct lawful queries of information acquired under subsection (a);

''(ii) limiting the authority of the Federal Bureau of Investigation to review, without a court order, the results of any query of information acquired under subsection (a) that was reasonably designed to find and extract foreign intelligence information, regardless of whether such foreign intelligence information could also be considered evidence of a crime; or

''(iii) prohibiting or otherwise limiting the ability of the Federal Bureau of Investigation to access the results of queries conducted when evaluating whether to open an assessment or predicated investigation relating to the national security of the United States.

''(3) DEFINITIONS.—In this subsection:

''(A) The term 'contents' has the meaning given that term in section 2510(8) of title 18, United States Code.

''(B) The term 'query' means the use of one or more terms to retrieve the unminimized contents or noncontents located in electronic and data storage systems of communications of or concerning United States persons obtained through acquisitions authorized under subsection (a).''.

(2) APPLICATION.—Subsection (f) of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as added by paragraph (1), shall apply with respect to certifications submitted under subsection (h) of such section to the Foreign Intelligence Surveillance Court after January 1, 2018.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO SECTION 702 OF FISA.—Such section 702 is further amended—

(A) in subsection (a), by striking ''with subsection (i)(3)'' and inserting ''with subsection (j)(3)'';

(B) in subsection (c)—

(i) in paragraph (1)(B), by striking ''with subsection (g)'' and inserting ''with subsection (h)'';

(ii) in paragraph (2), by striking ''to subsection (i)(3)'' and inserting ''to subsection (j)(3)''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking ''with subsection (g)'' and inserting ''with subsection (h)''; and

(II) in subparagraph (B)—

(aa) by striking ''to subsection (i)(1)(C)'' and inserting ''to subsection (j)(1)(C)''; and

(bb) by striking ''under subsection (i)'' and inserting ''under subsection (j)'';

(C) in subsection (d)(2), by striking ''to subsection (i)'' and inserting ''to subsection (j)'';

(D) in subsection (e)(2), by striking ''to subsection (i)'' and inserting ''to subsection (j)'';

(E) in subsection (h), as redesignated by subsection (a)(1)—

(i) in paragraph (2)(A)(iii), by striking ''with subsection (f)'' and inserting ''with subsection (g)'';

(ii) in paragraph (3), by striking ''with subsection (i)(1)(C)'' and inserting ''with subsection (j)(1)(C)''; and

(iii) in paragraph (6), by striking ''to subsection (i)'' and inserting ''to subsection (j)'';

(F) in subsection (j), as redesignated by subsection (a)(1)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''targeting and minimization procedures adopted in accordance with subsections (d) and (e)'' and inserting ''targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)'';

(II) in subparagraph (B), by striking ''targeting and minimization procedures adopted in accordance with subsections (d) and (e)'' and inserting ''targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)''; and

(III) in subparagraph (C), by striking ''targeting and minimization procedures adopted in accordance with subsections (d) and (e)'' and inserting ''targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''with subsection (g)'' and inserting ''with subsection (h)''; and

(II) by adding at the end the following:

''(D) QUERYING PROCEDURES.—The querying procedures adopted in accordance with subsection (f)(1) to assess whether such procedures comply with the requirements of such subsection.'';

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''with subsection (g)'' and inserting ''with subsection (h)''; and

(bb) by striking ''targeting and minimization procedures adopted in accordance with subsections (d) and (e)'' and inserting ''targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)''; and

(II) in subparagraph (B), in the matter before clause (i)—

(aa) by striking ''with subsection (g)'' and inserting ''with subsection (h)''; and

(bb) by striking ''with subsections (d) and (e)'' and inserting ''with subsections (d), (e), and (f)(1)''; and

(iv) in paragraph (5)(A)—

(I) by striking ''with subsection (g)'' and inserting ''with subsection (h)''; and

(II) by striking ''with subsections (d) and (e)'' and inserting ''with subsections (d), (e), and (f)(1)''; and

(G) in subsection (m), as redesignated by subsection (a)(1)—

(i) in paragraph (1), in the matter before subparagraph (A)—

(I) by striking ''targeting and minimization procedures adopted in accordance with subsections (d) and (e)'' and inserting ''targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)''; and

(II) by striking ''with subsection (f)'' and inserting ''with subsection (g)''; and

(ii) in paragraph (2)(A)—

(I) by striking ''targeting and minimization procedures adopted in accordance with subsections (d) and (e)'' and inserting ''targeting, minimization, and querying procedures adopted in accordance with subsections (d), (e), and (f)(1)''; and

(II) by striking ''with subsection (f)'' and inserting ''with subsection (g)''.

(2) AMENDMENTS TO FISA.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended—

(A) by striking ''section 702(h)'' each place it appears and inserting ''section 702(i)'';

(B) by striking ''section 702(g)'' each place it appears and inserting ''section 702(h)''; and

(C) in section 707(b)(1)(G)(ii), by striking ''subsections (d), (e), and (f)'' and inserting ''subsections (d), (e), (f)(1), and (g)''.

(3) AMENDMENTS TO FISA AMENDMENTS ACT OF 2008.—Section 404 of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1801 note) is amended—

(A) in subsection (a)(7)(B)—

(i) by striking ''under section 702(i)(3)'' and inserting ''under section 702(j)(3)''; and

(ii) by striking ''of section 702(i)(4)'' and inserting ''of section 702(j)(4)'';

(B) in subsection (b)—

(i) in paragraph (3)—

(I) in subparagraph (A), by striking ''to section 702(h)'' and inserting ''to section 702(i)''; and

(II) in subparagraph (B)—

(aa) by striking ''section 702(h)(3) of'' and inserting ''section 702(i)(3) of''; and

(bb) by striking ''to section 702(h)'' and inserting ''to section 702(i)''; and

(ii) in paragraph (4)—

(I) in subparagraph (A), by striking ''and sections 702(l)'' and inserting ''and sections 702(m)''; and

(II) in subparagraph (B)(iv), by striking ''or section 702(l)'' and inserting ''or section 702(m)''.

SEC. 102. USE AND DISCLOSURE PROVISIONS.

(a) END USE RESTRICTION.—Section 706(a) (50 U.S.C. 1881e(a)) is amended—

(1) by striking ''Information acquired'' and inserting the following:

''(1) IN GENERAL.—Information acquired''; and

(2) by adding at the end the following:

''(2) UNITED STATES PERSONS.—

''(A) IN GENERAL.—Any information concerning a United States person acquired under section 702 shall not be used in evidence against that United States person pursuant to paragraph (1) in any criminal proceeding unless—

''(i) the Federal Bureau of Investigation obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2); or

''(ii) the Attorney General determines that—

''(I) the criminal proceeding affects, involves, or is related to the national security of the United States; or

''(II) the criminal proceeding involves—

''(aa) death;

''(bb) kidnapping;

''(cc) serious bodily injury, as defined in section 1365 of title 18, United States Code;

''(dd) conduct that constitutes a criminal offense that is a specified offense against a minor, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911);

''(ee) incapacitation or destruction of critical infrastructure, as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e));

''(ff) cybersecurity, including conduct described in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)) or section 1029, 1030, or 2511 of title 18, United States Code;

''(gg) transnational crime, including transnational narcotics trafficking and transnational organized crime; or

''(hh) human trafficking.

''(B) NO JUDICIAL REVIEW.—A determination by the Attorney General under subparagraph (A)(ii) is not subject to judicial review.''.

(b) INTELLIGENCE COMMUNITY DISCLOSURE PROVISION.—Section 603 (50 U.S.C. 1873) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''good faith estimate of the number of targets of such orders;'' and inserting the following: ''good faith estimate of—

''(A) the number of targets of such orders;

''(B) the number of targets of such orders who are known to not be United States persons; and

''(C) the number of targets of such orders who are known to be United States persons;'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting '', including pursuant to subsection (f)(2) of such section,'' after ''section 702'';

(ii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(iii) by inserting before subparagraph (B), as so redesignated, the following:

''(A) the number of targets of such orders;'';

(iv) in subparagraph (B), as so redesignated, by striking ''and'' at the end; and

(v) by adding at the end the following:

''(D) the number of instances in which the Federal Bureau of Investigation opened, under the Criminal Investigative Division or any successor division, an investigation of a United States person (who is not considered a threat to national security) based wholly or in part on an acquisition authorized under such section;'';

(C) in paragraph (3)(A), by striking ''orders; and'' and inserting the following: ''orders, including—

''(i) the number of targets of such orders who are known to not be United States persons; and

''(ii) the number of targets of such orders who are known to be United States persons; and'';

(D) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(E) by inserting after paragraph (3) the following:

''(4) the number of criminal proceedings in which the United States or a State or political subdivision thereof provided notice pursuant to subsection (c) or (d) of section 106 (including with respect to information acquired from an acquisition conducted under section 702) or subsection (d) or (e) of section 305 of the intent of the government to enter into evidence or otherwise use or disclose any information obtained or derived from electronic surveillance, physical search, or an acquisition conducted pursuant to this Act;''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''(4), or (5)'' and inserting ''(5), or (6)'';

(B) in paragraph (2)(A)—

(i) by striking ''Paragraphs (2)(A), (2)(B), and (5)(C)'' and inserting ''Paragraphs (2)(B), (2)(C), and (6)(C)''; and

(ii) by inserting before the period at the end the following: '', except with respect to information required under paragraph (2) relating to orders issued under section 702(f)(2)''; and

(C) in paragraph (3)(A), in the matter preceding clause (i), by striking ''subsection (b)(2)(B)'' and inserting ''subsection (b)(2)(C)''.

SEC. 103. CONGRESSIONAL REVIEW AND OVERSIGHT OF ABOUTS COLLECTION.

(a) IN GENERAL.—Section 702(b) (50 U.S.C. 1881a(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) may not intentionally acquire communications that contain a reference to, but are not to or from, a target of an acquisition authorized under subsection (a), except as provided under section 103(b) of the FISA Amendments Reauthorization Act of 2017; and''.

(b) CONGRESSIONAL REVIEW AND OVERSIGHT OF ABOUTS COLLECTION.—

(1) DEFINITIONS.—In this subsection:

(A) The term ''abouts communication'' means a communication that contains a reference to, but is not to or from, a target of an acquisition authorized under section 702(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(a)).

(B) The term ''material breach'' means significant noncompliance with applicable law or an order of the Foreign Intelligence Surveillance Court concerning any acquisition of abouts communications.

(2) SUBMISSION TO CONGRESS.—

(A) REQUIREMENT.—Notwithstanding any other provision of law, and except as provided in paragraph (4), if the Attorney General and the Director of National Intelligence intend to implement the authorization of the intentional acquisition of abouts communications, before the first such implementation after the date of enactment of this Act, the Attorney General and the Director of National Intelligence 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 written notice of the intent to implement the authorization of such an acquisition, and any supporting materials in accordance with this subsection.

(B) CONGRESSIONAL REVIEW PERIOD.—During the 30-day period beginning on the date written notice is submitted under subparagraph (A), 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 shall, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the written notice.

(C) LIMITATION ON ACTION DURING CONGRESSIONAL REVIEW PERIOD.—Notwithstanding any other provision of law, and subject to paragraph (4), unless the Attorney General and the Director of National Intelligence make a determination pursuant to section 702(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(c)(2)), the Attorney General and the Director of National Intelligence may not implement the authorization of the intentional acquisition of abouts communications before the end of the period described in subparagraph (B).

(3) WRITTEN NOTICE.—Written notice under paragraph (2)(A) shall include the following:

(A) A copy of any certification submitted to the Foreign Intelligence Surveillance Court pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), or amendment thereto, authorizing the intentional acquisition of abouts communications, including all affidavits, procedures, exhibits, and attachments submitted therewith.

(B) The decision, order, or opinion of the Foreign Intelligence Surveillance Court approving such certification, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion.

(C) A summary of the protections in place to detect any material breach.

(D) Data or other results of modeling, simulation, or auditing of sample data demonstrating that any acquisition method involving the intentional acquisition of abouts communications shall be conducted in accordance with title VII of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881 et seq.), if such data or other results exist at the time the written notice is submitted and were provided to the Foreign Intelligence Surveillance Court.

(E) Except as provided under paragraph (4), a statement that no acquisition authorized under subsection (a) of such section 702 shall include the intentional acquisition of an abouts communication until after the end of the 30-day period described in paragraph (2)(B).

(4) EXCEPTION FOR EMERGENCY ACQUISITION.—

(A) NOTICE OF DETERMINATION.—If the Attorney General and the Director of National Intelligence make a determination pursuant to section 702(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(c)(2)) with respect to the intentional acquisition of abouts communications, the Attorney General and the Director of National Intelligence shall notify 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 as soon as practicable, but not later than 7 days after the determination is made.

(B) IMPLEMENTATION OR CONTINUATION.—

(i) IN GENERAL.—If the Foreign Intelligence Surveillance Court approves a certification that authorizes the intentional acquisition of abouts communications before the end of the 30-day period described in paragraph (2)(B), the Attorney General and the Director of National Intelligence may authorize the immediate implementation or continuation of that certification if the Attorney General and the Director of National Intelligence jointly determine that exigent circumstances exist such that without such immediate implementation or continuation intelligence important to the national security of the United States may be lost or not timely acquired.

(ii) NOTICE.—The Attorney General and the Director of National Intelligence 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 notification of a determination pursuant to clause (i) as soon as practicable, but not later than 3 days after the determination is made.

(5) REPORTING OF MATERIAL BREACH.—Subsection (m) of section 702 (50 U.S.C. 1881a), as redesignated by section 101, is amended—

(A) in the heading by striking ''AND REVIEWS'' and inserting ''REVIEWS, AND REPORTING''; and

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

''(4) REPORTING OF MATERIAL BREACH.—

''(A) IN GENERAL.—The head of each element of the intelligence community involved in the acquisition of abouts communications shall fully and currently inform the Committees on the Judiciary of the House of Representatives and the Senate and the congressional intelligence committees of a material breach.

''(B) DEFINITIONS.—In this paragraph:

''(i) The term 'abouts communication' means a communication that contains a reference to, but is not to or from, a target of an acquisition authorized under subsection (a).

''(ii) The term 'material breach' means significant noncompliance with applicable law or an order of the Foreign Intelligence Surveillance Court concerning any acquisition of abouts communications.''.

(6) APPOINTMENT OF AMICI CURIAE BY FOREIGN INTELLIGENCE SURVEILLANCE COURT.—For purposes of section 103(i)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)(2)(A)), the Foreign Intelligence Surveillance Court shall treat the first certification under section 702(h) of such Act (50 U.S.C. 1881a(h)) or amendment thereto that authorizes the acquisition of abouts communications as presenting a novel or significant interpretation of the law, unless the court determines otherwise.

SEC. 104. PUBLICATION OF MINIMIZATION PROCEDURES UNDER SECTION 702.

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

''(3) PUBLICATION.—The Director of National Intelligence, in consultation with the Attorney General, shall—

''(A) conduct a declassification review of any minimization procedures adopted or amended in accordance with paragraph (1); and

''(B) consistent with such review, and not later than 180 days after conducting such review, make such minimization procedures publicly available to the greatest extent practicable, which may be in redacted form.''.

SEC. 105. SECTION 705 EMERGENCY PROVISION.

Section 705 (50 U.S.C. 1881d) is amended by adding at the end the following:

''(c) EMERGENCY AUTHORIZATION.—

''(1) CONCURRENT AUTHORIZATION.—If the Attorney General authorized the emergency employment of electronic surveillance or a physical

search pursuant to section 105 or 304, the Attorney General may authorize, for the effective period of the emergency authorization and subsequent order pursuant to section 105 or 304, without a separate order under section 703 or 704, the targeting of a United States person subject to such emergency employment for the purpose of acquiring foreign intelligence information while such United States person is reasonably believed to be located outside the United States.

''(2) USE OF INFORMATION.—If an application submitted to the Court pursuant to section 104 or 303 is denied, or in any other case in which the acquisition pursuant to paragraph (1) is terminated and no order with respect to the target of the acquisition is issued under section 105 or 304, all information obtained or evidence derived from such acquisition shall be handled in accordance with section 704(d)(4).''.

SEC. 106. COMPENSATION OF AMICI CURIAE AND TECHNICAL EXPERTS.

Subsection (i) of section 103 (50 U.S.C. 1803) is amended by adding at the end the following:

''(11) COMPENSATION.—Notwithstanding any other provision of law, a court established under subsection (a) or (b) may compensate an amicus curiae appointed under paragraph (2) for assistance provided under such paragraph as the court considers appropriate and at such rate as the court considers appropriate.''.

SEC. 107. ADDITIONAL REPORTING REQUIREMENTS.

(a) ELECTRONIC SURVEILLANCE.—Section 107 (50 U.S.C. 1807) is amended to read as follows:

''SEC. 107. REPORT OF ELECTRONIC SURVEILLANCE.

''(a) ANNUAL REPORT.—In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding calendar year—

''(1) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title;

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

''(3) the total number of subjects targeted by electronic surveillance conducted under an order or emergency authorization under this title, rounded to the nearest 500, including the number of such individuals who are United States persons, reported to the nearest band of 500, starting with 0–499.

''(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, to the extent consistent with national security. Not later than 7 days after the date on which the Attorney General submits each such report, the Attorney General shall make the report publicly available, or, if the Attorney General determines that the report cannot be made publicly available consistent with national security, the Attorney General may make publicly available an unclassified summary of the report or a redacted version of the report.''.

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

(1) in subsection (b)—

(A) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

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

''(6) a good faith estimate of the total number of subjects who were targeted by the installation and use of a pen register or trap and trace device under an order or emergency authorization issued under this title, rounded to the nearest 500, including—

''(A) the number of such subjects who are United States persons, reported to the nearest band of 500, starting with 0–499; and

''(B) of the number of United States persons described in subparagraph (A), the number of persons whose information acquired pursuant to such order was reviewed or accessed by a Federal officer, employee, or agent, reported to the nearest band of 500, starting with 0–499.''; and

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

''(c) Each report under subsection (b) shall be submitted in unclassified form, to the extent consistent with national security. Not later than 7 days after the date on which the Attorney General submits such a report, the Attorney General shall make the report publicly available, or, if the Attorney General determines that the report cannot be made publicly available consistent with national security, the Attorney General may make publicly available an unclassified summary of the report or a redacted version of the report.''.

SEC. 108. IMPROVEMENTS TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) APPOINTMENT OF STAFF.—Subsection (j) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(j)) is amended—

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

(2) by inserting after paragraph (1) the following new paragraph:

''(2) APPOINTMENT IN ABSENCE OF CHAIRMAN.—If the position of chairman of the Board is vacant, during the period of the vacancy, the Board, at the direction of the unanimous vote of the serving members of the Board, may exercise the authority of the chairman under paragraph (1).''.

(b) MEETINGS.—Subsection (f) of such section (42 U.S.C. 2000ee(f)) is amended—

(1) by striking ''The Board shall'' and inserting ''The Board'';

(2) in paragraph (1) by striking ''make its'' and inserting ''shall make its''; and

(3) in paragraph (2)—

(A) by striking ''hold public'' and inserting ''shall hold public''; and

(B) by inserting before the period at the end the following: '', but may, notwithstanding section 552b of title 5, United States Code, meet or otherwise communicate in any number to confer or deliberate in a manner that is closed to the public''.

SEC. 109. PRIVACY AND CIVIL LIBERTIES OFFICERS.

Section 1062(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee–1(a)) is amended by inserting '', the Director of the National Security Agency, the Director of the Federal Bureau of Investigation'' after ''the Director of the Central Intelligence Agency''.

SEC. 110. WHISTLEBLOWER PROTECTIONS FOR CONTRACTORS OF THE INTELLIGENCE COMMUNITY.

(a) PROHIBITED PERSONNEL PRACTICES IN THE INTELLIGENCE COMMUNITY.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting ''or a contractor employee'' after ''character)''; and

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

''(4) CONTRACTOR EMPLOYEE.—The term 'contractor employee' means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

''(c) CONTRACTOR EMPLOYEES.—(1) Any employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of a covered intelligence community element who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any contractor employee as a reprisal for a lawful disclosure of information by the contractor employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, the head of the contracting agency (or an employee designated by the head of that agency for such purpose), the appropriate inspector general of the contracting agency, a congressional intelligence committee, or a member of a congressional intelligence committee, which the contractor employee reasonably believes evidences—

''(A) a violation of any Federal law, rule, or regulation (including with respect to evidence of another employee or contractor employee accessing or sharing classified information without authorization); or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(2) A personnel action under paragraph (1) is prohibited even if the action is undertaken at the request of an agency official, unless the request takes the form of a nondiscretionary directive and is within the authority of the agency official making the request.'';

(4) in subsection (b), by striking the heading and inserting ''AGENCY EMPLOYEES.—''; and

(5) in subsection (e), as redesignated by paragraph (2), by inserting ''contractor employee,'' after ''any employee,''.

(b) FEDERAL BUREAU OF INVESTIGATION.—

(1) IN GENERAL.—Any employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of the Federal Bureau of Investigation who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to a contractor employee as a reprisal for a disclosure of information—

(A) made—

(i) to a supervisor in the direct chain of command of the contractor employee;

(ii) to the Inspector General;

(iii) to the Office of Professional Responsibility of the Department of Justice;

(iv) to the Office of Professional Responsibility of the Federal Bureau of Investigation;

(v) to the Inspection Division of the Federal Bureau of Investigation;

(vi) to the Office of Special Counsel; or

(vii) to an employee designated by any officer, employee, office, or division described in clauses (i) through (vii) for the purpose of receiving such disclosures; and

(B) which the contractor employee reasonably believes evidences—

(i) any violation of any law, rule, or regulation (including with respect to evidence of another employee or contractor employee accessing or sharing classified information without authorization); or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(2) ACTIONS BY REQUEST.—A personnel action under paragraph (1) is prohibited even if the action is undertaken at the request of an official of the Federal Bureau of Investigation, unless the request takes the form of a nondiscretionary directive and is within the authority of the official making the request.

(3) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action described in paragraph (1) shall not be taken against a contractor employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subparagraph (A) of such paragraph.

(4) ENFORCEMENT.—The President shall provide for the enforcement of this subsection.

(5) DEFINITIONS.—In this subsection:

(A) The term ''contractor employee'' means an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of the Federal Bureau of Investigation.

(B) The term ''personnel action'' means any action described in clauses (i) through (x) of section 2302(a)(2)(A) of title 5, United States Code, with respect to a contractor employee.

(c) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)) is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CONTRACTOR EMPLOYEES.—In this subsection, the term 'employee' includes an employee of a contractor, subcontractor, grantee, subgrantee, or personal services contractor, of an agency. With respect to such employees, the term 'employing agency' shall be deemed to be the contracting agency.''.

SEC. 111. BRIEFING ON NOTIFICATION REQUIREMENTS.

Not later than 180 days after the date of the enactment of this Act, the Attorney General, in consultation with the Director of National Intelligence, shall provide to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a briefing with respect to how the Department of Justice interprets the requirements under sections 106(c), 305(d), and 405(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(c), 1825(d), and 1845(c)) to notify an aggrieved person under such sections of the use of information obtained or derived from electronic surveillance, physical search, or the use of a pen register or trap and trace device. The briefing shall focus on how the Department interprets the phrase ''obtained or derived from'' in such sections.

SEC. 112. INSPECTOR GENERAL REPORT ON QUERIES CONDUCTED BY FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—Not later than 1 year after the date on which the Foreign Intelligence Surveillance Court first approves the querying procedures adopted pursuant to section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)), as added by section 101, 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 a review by the Inspector General of the interpretation of, and compliance with, such procedures by the Federal Bureau of Investigation.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include, at a minimum, an assessment of the following:

(1) The interpretations by the Federal Bureau of Investigation and the National Security Division of the Department of Justice, respectively, relating to the querying procedures adopted under subsection (f) of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)), as added by section 101.

(2) The handling by the Federal Bureau of Investigation of individuals whose citizenship status is unknown at the time of a query conducted under such section 702.

(3) The practice of the Federal Bureau of Investigation with respect to retaining records of queries conducted under such section 702 for auditing purposes.

(4) The training or other processes of the Federal Bureau of Investigation to ensure compliance with such querying procedures.

(5) The implementation of such querying procedures with respect to queries conducted when evaluating whether to open an assessment or predicated investigation relating to the national security of the United States.

(6) The scope of access by the criminal division of the Federal Bureau of Investigation to information obtained pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including with respect to information acquired under subsection (a) of such section 702 based on queries conducted by the criminal division.

(7) The frequency and nature of the reviews conducted by the National Security Division of the Department of Justice and the Office of the Director of National Intelligence relating to the compliance by the Federal Bureau of Investigation with such querying procedures.

(8) Any impediments, including operational, technical, or policy impediments, for the Federal Bureau of Investigation to count—

(A) the total number of queries where the Federal Bureau of Investigation subsequently accessed information acquired under subsection (a) of such section 702;

(B) the total number of such queries that used known United States person identifiers; and

(C) the total number of queries for which the Federal Bureau of Investigation received an order of the Foreign Intelligence Surveillance Court pursuant to subsection (f)(2) of such section 702.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form to the extent consistent with national security, but may include a classified annex.

TITLE II—EXTENSION OF AUTHORITIES, INCREASED PENALTIES, REPORTS, AND OTHER MATTERS

SEC. 201. EXTENSION OF TITLE VII OF FISA; EFFECTIVE DATES.

(a) EXTENSION.—Section 403(b) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2474) is amended—

(1) in paragraph (1)—

(A) by striking ''December 31, 2017'' and inserting ''December 31, 2023''; and

(B) by inserting ''and by the FISA Amendments Reauthorization Act of 2017'' after ''section 101(a)''; and

(2) in paragraph (2) in the matter preceding subparagraph (A), by striking ''December 31, 2017'' and inserting ''December 31, 2023''.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2476), as amended by section 101, is further amended—

(1) in paragraph (1)—

(A) in the heading, by striking ''DECEMBER 31, 2017'' and inserting ''DECEMBER 31, 2023''; and

(B) by inserting ''and by the FISA Amendments Reauthorization Act of 2017'' after ''section 101(a)'';

(2) in paragraph (2), by inserting ''and by the FISA Amendments Reauthorization Act of 2017'' after ''section 101(a)''; and

(3) in paragraph (4)—

(A) by inserting ''and amended by the FISA Amendments Reauthorization Act of 2017'' after ''as added by section 101(a)'' both places it appears; and

(B) by inserting ''and by the FISA Amendments Reauthorization Act of 2017'' after ''as amended by section 101(a)'' both places it appears.

(c) EFFECTIVE DATE OF AMENDMENTS TO FAA.—The amendments made to the FISA Amendments Act of 2008 (Public Law 110–261) by this section shall take effect on December 31, 2017.

SEC. 202. INCREASED PENALTY FOR UNAUTHORIZED REMOVAL AND RETENTION OF CLASSIFIED DOCUMENTS OR MATERIAL.

Section 1924(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''five years''.

SEC. 203. REPORT ON CHALLENGES TO THE EFFECTIVENESS OF FOREIGN INTELLIGENCE SURVEILLANCE.

(a) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Attorney General, in coordination with the Director of National Intelligence, shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report on current and future challenges to the effectiveness of the foreign intelligence surveillance activities of the United States authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(b) MATTERS INCLUDED.—The report under subsection (a) shall include, at a minimum, the following:

(1) A discussion of any trends that currently challenge the effectiveness of the foreign intelligence surveillance activities of the United States, or could foreseeably challenge such activities during the decade following the date of the report, including with respect to—

(A) the extraordinary and surging volume of data occurring worldwide;

(B) the use of encryption;

(C) changes to worldwide telecommunications patterns or infrastructure;

(D) technical obstacles in determining the location of data or persons;

(E) the increasing complexity of the legal regime, including regarding requests for data in the custody of foreign governments;

(F) the current and future ability of the United States to obtain, on a compulsory or voluntary basis, assistance from telecommunications providers or other entities; and

(G) any other matters the Attorney General and the Director of National Intelligence determine appropriate.

(2) Recommendations for changes, including, as appropriate, fundamental changes, to the foreign intelligence surveillance activities of the United States to address the challenges identified under paragraph (1) and to ensure the long-term effectiveness of such activities.

(3) Recommendations for any changes to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that the Attorney General and the Director of National Intelligence determine necessary to address the challenges identified under paragraph (1).

(c) FORM.—The report under subsection (a) may be submitted in classified or unclassified form.

SEC. 204. COMPTROLLER GENERAL STUDY ON THE CLASSIFICATION SYSTEM AND PROTECTION OF CLASSIFIED INFORMATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the classification system of the United States and the methods by which the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) protects classified information.

(b) MATTERS INCLUDED.—The study under subsection (a) shall address the following:

(1) Whether sensitive information is properly classified.

(2) The effect of modern technology on the storage and protection of classified information, including with respect to—

(A) using cloud storage for classified information; and

(B) any technological means to prevent or detect unauthorized access to such information.

(3) Any ways to improve the classification system of the United States, including with respect to changing the levels of classification used in such system and to reduce overclassification.

(4) How to improve the authorized sharing of classified information, including with respect to sensitive compartmented information.

(5) The value of polygraph tests in determining who is authorized to access classified information and in investigating unauthorized disclosures of classified information.

(6) Whether each element of the intelligence community—

(A) applies uniform standards in determining who is authorized to access classified information; and

(B) provides proper training with respect to the handling of classified information and the avoidance of overclassification.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the study under subsection (a).

(d) FORM.—The report under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

SEC. 205. TECHNICAL AMENDMENTS AND AMENDMENTS TO IMPROVE PROCEDURES OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.

(a) TECHNICAL AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended as follows:

(1) In section 103(b) (50 U.S.C. 1803(b)), by striking ''designate as the'' and inserting ''designated as the''.

(2) In section 302(a)(1)(A)(iii) (50 U.S.C. 1822(a)(1)(A)(iii)), by striking ''paragraphs (1) through (4)'' and inserting ''subparagraphs (A) through (D)''.

(3) In section 406(b) (50 U.S.C. 1846(b)), by striking ''and to the Committees on the Judiciary of the House of Representatives and the Senate''.

(4) In section 604(a) (50 U.S.C. 1874(a))—

(A) in paragraph (1)(D), by striking ''contents'' and inserting ''contents,''; and

(B) in paragraph (3), by striking ''comply in the into'' and inserting ''comply into''.

(5) In section 701 (50 U.S.C. 1881)—

(A) in subsection (a), by striking ''The terms'' and inserting ''In this title, the terms''; and

(B) in subsection (b)—

(i) by inserting ''In this title:'' after the subsection heading; and

(ii) in paragraph (5), by striking ''(50 U.S.C. 401a(4))'' and inserting ''(50 U.S.C. 3003(4))''.

(6) In section 702(h)(2)(A)(i) (50 U.S.C. 1881a(h)(2)(A)(i)), as redesignated by section 101, by inserting ''targeting'' before ''procedures in place''.

(7) In section 801(7) (50 U.S.C. 1885(7)), by striking ''(50 U.S.C. 401a(4))'' and inserting ''(50 U.S.C. 3003(4))''.

(b) COURT-RELATED AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended as follows:

(1) In section 103 (50 U.S.C. 1803)—

(A) in subsection (b), by striking ''immediately''; and

(B) in subsection (h), by striking ''the court established under subsection (a)'' and inserting ''a court established under this section''.

(2) In section 105(d) (50 U.S.C. 1805(d)), by adding at the end the following new paragraph:

''(4) A denial of the application made under section 104 may be reviewed as provided in section 103.''.

(3) In section 302(d) (50 U.S.C. 1822(d)), by striking ''immediately''.

(4) In section 402(d) (50 U.S.C. 1842(d)), by adding at the end the following new paragraph:

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

(5) In section 403(c) (50 U.S.C. 1843(c)), by adding at the end the following new paragraph:

''(3) A denial of the application made under subsection (a)(2) may be reviewed as provided in section 103.''.

(6) In section 501(c) (50 U.S.C. 1861(c)), by adding at the end the following new paragraph:

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

SEC. 206. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, of any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

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

After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 115–504, if offered by the Member designated in the report, which shall be considered read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question.

The gentleman from Utah (Mr. STEWART) and the gentleman from California (Mr. SCHIFF) each will control 20 minutes. The gentleman from Pennsylvania (Mr. MARINO) and the gentleman from New York (Mr. NADLER) each will control 10 minutes.

The Chair recognizes the gentleman from Utah (Mr. STEWART).

GENERAL LEAVE

Mr. STEWART. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, S. 139.

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

There was no objection.

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

Mr. Speaker, I rise today in support of S. 139.

On January 19, the FISA Amendments Act of 2008 will expire. This vital legislation includes section 702, which permits the government to target foreign citizens located overseas to obtain foreign intelligence information. Section 702 is one of the most, if not the most, critical national security tool used by our intelligence community to obtain intelligence on foreign terrorists located overseas.

Now, some claim section 702 vacuums bulk information without due regard to the intended target. This assertion is simply false. Section 702 is a targeted program, with roughly 106,000 foreign targets worldwide. Given that the worldwide population is about 7.5 billion, this program can hardly be described as bulk collection.

Section 702 targets spies, terrorists, weapons proliferators, and other foreign adversaries who threaten the United States, and locating them is crucial to protecting our troops and our homeland.

As an example, Hajji Iman, who was the second-in-command of ISIS, was located via section 702 and later removed from the battlefield. While the vast majority of examples remain classified, this is just one instance that demonstrates the necessity of this authority.

Subject to multiple layers of oversight by all three branches of government, section 702 is one of the government's most rigorously overseen foreign intelligence collection authorities. To date, while compliance incidents occur and are dealt with appropriately, there has never been a known, intentional abuse of this authority. Nevertheless, the program should be subject to regular adjustments, as necessary, to ensure the effectiveness of privacy protections.

Therefore, after careful consideration of the best way to strengthen privacy protections without hindering the program's effectiveness, the committee supports S. 139, a bipartisan bill that includes provisions and addresses concerns raised by the House Judiciary Committee and the Senate.

The bill's reforms include:

Requiring specific section 702 query procedures, separate from existing minimization procedures, which must be reviewed by the Foreign Intelligence Surveillance Court every year;

Limiting the instances in which the government can use section 702 information to prosecute U.S. people;

Requiring the inspector general of the Department of Justice to conduct a review of the FBI's interpretation and implementation of the FBI's section 702 query procedures;

Temporarily codifying the end of the NSA's section 702 upstream ''abouts'' collection until the government develops new procedures and briefs the congressional Intelligence and Judiciary Committees;

And, finally, improving transparency by mandating the publication of section 702 minimization procedures and requiring additional reporting to Congress on how the intelligence community is using other FISA authorities.

Mr. Speaker, during discussions over the past several months, both the House and the Senate have made several concessions to achieve this compromised language in order to reauthorize this critical national security authority. Accordingly, S. 139 now includes a probable cause-based order requirement for the FBI to access the content of a section 702 communication during FBI criminal investigations on Americans, unrelated to national security.

This order requirement does not reflect the committee's belief or intent that law enforcement access to lawfully acquired information constitutes a separate search under the Fourth Amendment. The Fourth Amendment, as interpreted by numerous Federal courts, does not require the FBI to obtain a separate order from the FISC to review lawfully acquired 702 information.

Though not required by the Constitution, this compromise is meant to provide additional protections for U.S.

person information that is incidentally collected under section 702. Along with the restrictions on the use of section 702 information in criminal prosecutions, this should provide further assurances to the American public that this vital national security tool is used strictly to discover and mitigate foreign threats to the United States, and the handling and use of any incidental U.S. person information is carefully controlled and monitored.

Mr. Speaker, America faces an array of international threats more complicated than anything we have endured in the past.

□ 0930

Speaking for the chairman of the House Intelligence Committee, I cannot emphasize enough that now is not the time to draw back on key national security authorities.

I am dismayed by the amount of disinformation being propagated by those who oppose section 702 for purely ideological reasons. When Congress must reauthorize this program again in 2023, we hope those who debate these issues, both inside and outside this Chamber, do so with intellectual honesty and integrity.

The USA RIGHTS Act, which has been offered as an amendment in the nature of a substitute, is an attempt to kill this compromise. In its place, the amendment would begin resurrecting the information-sharing walls between national security and law enforcement that the 9/11 Commission identified as a major factor in the failure to identify and thwart the 9/11 plot.

If individuals in this body cannot learn from history, they are doomed to repeat it. There is no support for this bill in the majority of the committees of jurisdiction whose members understand that this amendment would render section 702 inoperable.

Therefore, in order to keep the U.S. interests and troops abroad safe from harm, we must ensure that the intelligence community has the tools it needs to provide intelligence to our soldiers abroad. Section 702 is critical in that regard, and S. 139 provides the intelligence community with the authorities needed to protect the homeland while implementing key privacy enhancements.

Mr. Speaker, I urge passage of S. 139, and I reserve the balance of my time.

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

Mr. Speaker, as HPSCI's ranking member and a former member of the Judiciary Committee, I have long advocated for reforms to surveillance authorities to balance the imperatives of national security and counterterrorism with the privacy rights and civil liberties of Americans.

Today, the FISA Amendments Reauthorization Act seeks to reauthorize the program while making changes to protect privacy interests. Nonetheless, and I indicated before we took up the bill, in light of the significant concerns that have been raised by members of our Caucus, and in light of the irresponsible and inherently contradictory messages coming out of the White House today, I would recommend that we withdraw consideration of the bill today to give us more time to address the privacy questions that have been raised as well as to get a clear statement from the administration about their position on the bill.

Mr. Speaker, I do this reluctantly. Section 702, I think, is among the most important of all of our surveillance programs. Nonetheless, I think that the issues that have been raised will need more time to be resolved, and I think we need to get a clear statement from the administration of whether they are in support of this legislation or they are not.

This morning, as my colleagues are aware, the President issued a statement via Twitter suggesting that this authority was used illegally by the Obama administration to surveil him. Of course, that is blatantly untrue but, nonetheless, casts an additional cloud over the debate today.

In light of these circumstances, I think the better course would be for us to defer consideration, give us more time to address the issues that have been raised by the privacy community within my own Caucus, but also within the administration about its inaccurate, conflicting, and confusing statements on the morning of debate.

Mr. Speaker, I reluctantly urge my colleagues to postpone consideration so that we can take up this bill when it is more ripe for consideration.

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

Mr. STEWART. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank my colleague from Utah. While I am not unappreciative of my colleague from California's comments, I do think we are at a place where we do need to move forward. If we succumb to the emotions of what is going on around us and don't stick to the facts, stick to what we are trying to get done, I think that we do that to our detriment. So I have great respect for my colleague and his opinions, but I personally believe that plays into the emotions of what is going on rather than the facts of what is going on. If we can, I believe we should just continue to push forward.

First, let me say that the FISA Amendments Reauthorization Act is a bipartisan compromise bill that preserves the operational flexibility of section 702 while instituting key reforms to further protect U.S. personal privacy.

One of the major issues discussed over the past year has been NSA's ''abouts communication'' collection—a tortured title, but, nevertheless, we will stick with the phrase, ''abouts communication.'' So ''abouts communication'' collection takes place in NSA's upstream collection and, due to how the internet communications work, allows NSA to collect the communications that may reference a section 702 target's email address.

Despite what some of my colleagues may push in their propaganda, ''abouts'' collection does not collect names of targets, just selectors. Some of my colleagues also suggest that ''abouts communication'' is inherently in violation of the Fourth Amendment to the U.S. Constitution.

While the FISA court has raised concerns about ''abouts communication'' collections in the past, NSA has been able to conduct such collections with the approval of the FISA court. This type of collection is at issue today because it was the subject to a compliance incident in 2016. NSA self-reported a problem to the FISA court and decided to cease ''abouts communication'' collection until a fix could be implemented and demonstrated to the court. I would like to note that that type of self-reporting of compliance incidents is expected of the intelligence community elements and proves that oversight mechanisms are in place and that they work.

Other potential legislation, including the amendments to today's base bill, would seek to permanently end ''abouts communication'' collection. This is a shortsighted and a dangerous proposition that will limit the NSA's ability to identify threat networks in the future.

Rather than ending ''abouts communication'' collection, S. 139 strikes, I believe, that right balance. If NSA wants to reestablish ''abouts communication'' collection, NSA would first need to go back to court, convince the judge that it has satisfied the court's concerns. After achieving judicial approval that NSA has made the necessary technical changes, NSA would then brief congressional Intelligence and Judiciary Committees on how they plan to reinstitute this type of collection. Barring congressional action, NSA can then start ''abouts communication'' collection, 30 days after those briefings.

Some of our opponents to S. 139 claim that 30 days is not enough. To the folks that claim that 30 days is not enough, there is nothing stopping Congress from acting after that 30-day window. However, NSA should not be penalized and America's security should not be compromised and prevented from obtaining valuable foreign intelligence information that the FISA court has deemed consistent with the Fourth Amendment just because Congress can't pass legislation in 30 days.

This compromise of the bill that is on the floor today, I believe, is the right answer, and I hope my colleagues will support S. 139.

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

Mr. Speaker, once again, I would reluctantly urge that we withdraw consideration of the bill for today. I certainly have been working as hard, I

think, as anyone to try to agree to a compromise that would move forward this very important surveillance authority but would strike the right balance between our security interests and our privacy interests, but I do think we need more time to work on this bill. And I think that it was only underscored this morning with the contradictory statements coming out of the administration.

An issue of this magnitude and this seriousness really deserves serious and sober consideration. I think we need more time to discuss this with our Members, and I would urge my colleagues not to bring this to a vote today to give us more time to work on it.

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

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

Mr. Speaker, some of my colleagues believe that Congress should go above and beyond what is required by the Fourth Amendment and institute additional safeguards on how the government handles any potential U.S. personal information that may be incidentally collected under section 702. While the varying committees may have different ideas as to how to strike the right balance between additional privacy measures and national security, the art of the compromise brings us to the current junction.

Under S. 139, if the bill conducts a U.S.-person query into its database during a criminal investigation not related to national security and conducts a section 702 communication, the FBI must obtain an order from the FISA court prior to assessing the content of the communication.

The committee does not believe that such an order is necessary under the Fourth Amendment, but it is adding more protections, as a matter of policy, in order to address unfounded concerns by opponents of section 702 that the authority is being used to investigate U.S. people.

Proponents of the USA RIGHTS Act amendment will say that S. 139 does not go far enough in its current form and that they have crafted a great compromise that allows the intelligence community to do its job.

Unfortunately, they are selling a poison pill that is extraordinarily harmful to our national security. Per the office of the Director of National Intelligence, under the USA RIGHTS Act amendment, the FBI would not be able to look at lawfully collected data related to suspicious activities similar to that of the 9/11 hijackers. This is unethical to the 9/11 Commission Report, and anyone who thinks about voting for the USA RIGHTS Act amendment should pick up a copy and skim it prior to voting.

Unlike the USA RIGHTS Act amendment, S. 139 is able to balance national security and privacy while adhering to the recommendations of the 9/11 Commission reporting. I echo the White House statement last night strongly opposing the USA RIGHTS Act amendment, and I urge all of my colleagues in the House to support S. 139.

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

Mr. MARINO. Mr. Speaker, I yield myself 1½ minutes to make a statement.

Mr. Speaker, I rise today in support of S. 139, the FISA Amendments Reauthorization Act. As a former United States attorney, I know firsthand the enormous value that programs like section 702 provide in protecting our country.

The worst threats have been thwarted due to our intelligence and law enforcement communities having tools like section 702. Chairman GOODLATTE, along with the members of the Judiciary Committee, worked diligently on legislation to implement meaningful reforms while ensuring the law enforcement and Intelligence Committee still had the necessary tools available. This bill includes many other reforms from the USA Liberty Act, enhances section 702 protections, and maintains law enforcement abilities.

Mr. Speaker, I would ask all Members to join me in voting ''yes'' on this legislation to implement real reforms, while ensuring that we still provide the tools necessary to keep American citizens safe.

In conclusion, as a U.S. attorney, I have used this section. My office used this section. We followed the law to the letter. There were no complaints, and I want the American people to realize something: we in law enforcement, law enforcement throughout the U.S., we have to be right and on spot every second of every day. It only takes a terrorist a moment to get lucky and set off a bomb killing Americans.

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

□ 0945

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

I rise in strong opposition to the FISA Amendments Reauthorization Act of 2017, which reauthorizes section 702 of FISA for 6 years without enacting adequate protections for our privacy.

Supporters of this measure want to convince us a new, incredibly narrow warrant provision actually constitutes reform. It does not. Our right to privacy does not begin when the Department of Justice has a fully formed criminal case against us, nor does it begin when prosecutors enter our emails and text messages into evidence against us in court.

The Constitution guarantees far more than this. Our right to privacy protects us when the government first makes its decision to search our private communications for information it might find useful. S. 139 falls well short of this basic guarantee. We, therefore, cannot—we must not—support this bill.

Make no mistake: S. 139 is not a compromise. The Judiciary Committee, the technology companies, civil society, and other critical stakeholders were shut out of this conversation long ago.

S. 139 does not include a meaningful warrant requirement. The rule in this bill does not apply to most searches of the section 702 database. It does not apply to a query for any information that ''could mitigate a threat,'' an exception that threatens to swallow the entire rule. As a result, S. 139 allows the FBI unfettered access to this information for purely domestic nonterrorism cases without a warrant.

What does that mean in the year of Jeff Sessions and Donald Trump? It means that absolutely nothing stops the Department of Justice from trolling the database for evidence that you use marijuana or failed to pay your taxes or may be in the country unlawfully or possess a firearm that you should not have. None of these cases have anything to do with the core purposes of section 702, and all of them should require a warrant based on individualized suspicion and probable cause.

I agree with Chairman GOODLATTE that section 702 should be reauthorized. I understand its importance to the intelligence agencies. But none of us should support this bill which pretends at reform while codifying some of the worst practices of the intelligence community in domestic crimes.

When we came to Congress, each of us took an oath to defend and protect the Constitution of the United States. I ask that each of my colleagues honor that oath today and that we work together to defeat this bill and to bring the right set of reforms to the floor without delay.

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

Mr. MARINO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I am a former prosecutor and a former judge. I despise terrorists. We ought to go after them and get them. Section 702 was written to go after terrorists, but it is being used to go after Americans.

Normally, when I was a judge, I would sign a warrant. Before the government could go into your house, they had to have a warrant to go into the house and to seize something based on probable cause.

Under FISA, as it is used against Americans—forget the terrorists—as it is used against Americans, government has already seized your house of communications, all of it. They look around, and sometimes—sometimes—they go back to a secret judge in a secret court and get a secret warrant by a FISA judge, and they come in and seize something and prosecute based on something irrelevant about terrorism. That is why this bill violates the Fourth Amendment.

Get a warrant before you go into the house of communications and effects

and papers of Americans or stay out of that house. These documents have been seized. Communications have been seized by government. They are kept forever.

Keep government out. Without a warrant, you stay out, because government, as we learned from the British, cannot be trusted.

Get a warrant. Stay out of the house of communications.

Vote against this bill. Let's redraft it and protect Americans.

And that is just the way it is.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, like the ranking member, I oppose this bill. It does not meet the standards that we should have for adhering to the Constitution.

Now, this is a confusing debate in some ways because what is it we are talking about?

We are all against terrorism, and we have authorized the collection of data of terrorists communicating with each other. In section 702, if they communicate with somebody here, we can collect that, too.

But because of the architecture of the internet, we are collecting vast amounts—we can't go into the numbers here in open session—vast amounts of data. It is not metadata; it is content. It is the content of your phone calls, content of your emails, and the content of your text messages and video messages. Under section 702, you can search that for Americans for crimes that have nothing to do with terrorism. We should change that.

As Judge POE has said, you need a warrant to go after Americans for a nonterrorism crime. There is a reason why a left-right coalition—the NAACP and FreedomWorks, Color of Change and Gun Owners of America—has joined together on the same point of view. We should stand up for the privacy rights of Americans and reject this bill and have a warrant requirement for searching for the information of Americans that is in this vast database.

Just one further point: The very weak predicate criminal investigation trigger for a warrant which is at the end of the investigation would apply only to the FBI. So if you are the ATF, you would never have to get a warrant. If you were the DEA, you would never have to get a warrant. This bill is inadequate, and it ought to be defeated.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from Pennsylvania (Mr. MARINO).

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.

Mr. Speaker, as you all know, the Judiciary Committee worked diligently for a year on legislation that does two things: one, protect Americans' civil liberties by requiring a court order to access section 702 data during domestic criminal investigations; and, two, reauthorize the 702 program, which is our Nation's most indispensable national security tool.

We achieved that by passing the USA Liberty Act in the House Judiciary Committee last year by an overwhelming bipartisan vote, which is no easy task; however, we were able to responsibly balance civil liberties with national security.

The bill we will vote on today was drafted in the spirit of the USA Liberty Act. It is not perfect and the process getting here was not ideal, but the bill requires, for the first time, a warrant to access section 702-collected communications on U.S. persons in criminal investigations.

Moreover, in routine criminal cases, when the FBI accesses U.S. person communications that were incidentally collected without first obtaining a warrant, the FBI will not be permitted to use those communications in a criminal prosecution. This will prevent a national security tool from advancing run-of-the-mill criminal prosecutions.

These are meaningful reforms. The bill that was presented to us before Christmas with its optional warrant construct was not real reform. The bill we are debating today, however, contains meaningful reforms.

I would have preferred to include additional reforms, but I cannot stress to my colleagues enough that our choice cannot be between a perfect reform bill and expiration of this program. The 702 program is far too important for that. With this bill, we can have meaningful reform and reauthorization. In its current form, this bill will pass the Senate.

I also want to caution everyone that we cannot go too far in seeking to alter this program. There is an amendment that will be offered sponsored by Mr. AMASH and Ms. LOFGREN that would prevent the FBI from ever querying its 702 database using a U.S. person term.

Imagine the FBI getting a tip from a flight instructor whose student acts suspiciously by expressing great interest in learning how to take off and fly a plane but has no interest in learning how to land the plane. This could be innocent behavior, but we want law enforcement to at least be able to perform a search to see if they already have, in their possession, any communications between the student and a foreign actor involved in organizing terrorist plots.

The Judiciary Committee-passed bill would have allowed the search and allowed law enforcement to view the metadata without a warrant while requiring a warrant to view the content of the communications.

The Amash-Lofgren amendment, which was rejected in the Judiciary Committee, goes too far and would prevent such a search from even being done. It would, thus, kill this critical program by preventing the FBI from even looking at its own databases without a warrant, rendering it ineffective in preventing terrorist attacks and stifling its ability to gather necessary intelligence. It must not be adopted.

I will vote to support this bill. I will oppose the Amash-Lofgren amendment, and I urge my colleagues to join me. Vote for reform and reauthorization.

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

Mr. NADLER. Mr. Speaker, many of us are opposing this bill and supporting the amendment because it is very different from the Judiciary Committee bill that we reported, which was a good bill.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I rise in opposition to this bill.

Supporters of this bill have called it reform. This is not reform. It is a massive expansion of the government's ability to pry into the private lives of innocent people. If you need proof, just look at the bill's section 702 which is supposed to authorize spying on foreign adversaries, but it has emboldened some in law enforcement to collect and read private communications of American citizens without a warrant.

Instead of curbing these practices, S. 139 would codify and expand some of the most abusive of surveillance practices used in recent years, including ''abouts'' collection and backdoor searches.

There is no more important responsibility that we have than keeping the American people safe, but we have to do it in a way that is consistent with our values and our Constitution. This bill undermines our values of privacy and freedom from unreasonable searches and seizures.

I urge my colleagues to oppose S. 139 and to support the Amash-Lofgren amendment, which allows intelligence agencies to do their jobs without undermining our values as Americans. We can do both things, Mr. Speaker: keep the American people safe and honor and respect our Constitution, which protects the privacy of all American citizens.

Mr. Speaker, I urge defeat of this bill and support of the amendment.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), who is a member of the Judiciary Committee.

Mr. CHABOT. Mr. Speaker, I thank the chairman for his leadership in ensuring that a number of important reforms to section 702 of the Foreign Intelligence Surveillance Act were included in this legislation.

I rise in support of this modified version of S. 139. While this does not go as far to reform FISA section 702 as the USA Liberty Act, which passed out of the Judiciary Committee in November with my support, the reforms that are included help to provide a more appropriate balance between protecting our

civil liberties and providing the intelligence community an important national security tool for another 6 years before its expiration this Friday.

FISA section 702 is a critical tool used by the intelligence community to protect American citizens from foreign threats and has been successfully used numerous times to prevent terrorist plots. Since we last reauthorized FISA section 702, much has changed not only in who our foreign threats are, but also in the methods that they use against us. The bottom line is we need to protect the safety of the American people. We need to make sure constitutional protections are in place, and this is the proper balance.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me repeat the refrain of those of us who are members of the Judiciary Committee who have gone through this process since 9/11, and that is that we support the integrity and the importance of section 702 as a national security tool, and we want it reauthorized, but we want it right.

Our job and our task is also to be the protectors of the Fourth Amendment, and that is the protection of the American people against unreasonable search and seizure.

No matter how much my friends on the other side of the aisle argue, we know that the FBI can have the tools that it needs; but, in the instance of this underlying bill, similar to the bill that was passed in 2007 by the Bush administration, on which the Judiciary Committee came back and amended it and made it a bill that provides the tools that were needed by those who are on the front lines in the United States military and the FBI, ultimately, it was changed to deny those rights.

In this instance, the warrant that my friends are talking about is revised only to fully predicated cases. It does not apply to the searching of documents that will have information about Americans.

I ask my colleagues to postpone this. Let us work together on behalf of the American people. Who are we if we cannot uphold the Constitution? It is not protected in this bill.

Mr. Speaker, as a senior member of the Judiciary Committee, I rise in strong opposition to S. 139, the FISA Amendments Reauthorization Act of 2017.''

S. 139 reauthorizes Section 702 of the Foreign Intelligence Surveillance Act, which is scheduled to expire on January 19, 2018.

Section 702 authorizes the Justice Department and NSA to collect non-U.S. persons' communications that are sent while abroad.

The collection programs have to be approved each year by the Foreign Intelligence Surveillance Court (FISA Court).

The FISA Court was set up by the 1978 Foreign Intelligence Surveillance Act (FISA; Public Law 95–511) to oversee intelligence-gathering activities and ensure compliance with the U.S. Constitution.

Under FISA, the term ''U.S. person'' covers citizens, green card holders, associations with a ''substantial number of members'' who are U.S. citizens or permanent residents, and U.S.-incorporated companies.

Title VII also allows intelligence agencies to conduct surveillance on a specific U.S. person reasonably believed to be outside of the country, with the approval of the FISA Court.

The NSA's use of section 702 authority to collect Americans' information from their communications with foreign surveillance targets was revealed by former government contractor Edward Snowden in 2013.

Snowden also revealed that the NSA obtains communications from U.S.-based providers such as Google, Verizon, and Facebook.

Although Section 702 is a critical national security tool set to expire on January 19, 2018, events of the recent past strongly suggest that Section 702 should not be reauthorized without necessary and significant reforms that are not included in the legislation before us.

So as the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I oppose the bill for several compelling reasons:

1. S. 139 fails to address the core concerns of Members of Congress and the American public—the government's use of Section 702 information against United States citizens investigations that have nothing to do with national security.

2. The warrant ''requirement'' contained in the bill is riddled with loopholes and applies only to fully predicated, official FBI investigations, not to the hundreds of thousands searches the FBI runs every day to run down a lead or check out a tip.

3. S. 139 exacerbates existing problems with Section 702 by codifying so-called ''about collection,'' a type of surveillance that was shut down after it twice failed to meet Fourth Amendment scrutiny.

4. S. 139 is universally opposed by technology companies, privacy, and civil liberties groups across the political spectrum from the ACLU to FreedomWorks.

Mr. Speaker, the bill before us comes from the Intelligence Committee, where it was passed on a strict party-line vote.

This stands in stark contrast to H.R. 3989, the USA Liberty Act the bipartisan bill reported by the Judiciary Committee after multiple hearings, an open markup process, and a bipartisan vote of approval.

The USA Liberty Act enjoys much broader support, contains meaningful reforms to the Foreign Intelligence Surveillance Act, and is far superior to the bill before us.

Inexplicably, the House Republican leadership did choose the best option, which was to bring the USA Liberty Act to the floor for debate and vote; instead, they chose the worst option, which is S. 139, the bill before us.

For this reason, I urge all members to join me in supporting the Amash-Lofgren Amendment, the best option remaining before us.

The Amash-Lofgren strike the text of S. 139 in its entirety and substitutes in its place the text of the ''Uniting and Strengthening America by Reforming and Improving the Government's High-Tech Surveillance Act'' (''USA RIGHTS Act'').

In contrast to S. 139, the ''USA RIGHTS Act'' enacts necessary and meaningful reforms to Section 702, which are necessary in light of the past abuses of surveillance authorities, contemporary noncompliance with this authority, and the danger posed by potential future abuses.

First, the USA RIGHTS Act creates a search warrant requirement that closes the so-called ''backdoor search loophole'' through which the government searches, without first obtaining a court-issued warrant based on probable cause, for information about U.S. persons or persons inside the U.S.

The ''USA RIGHTS Act'' provides an exception for emergencies, but requires a court warrant afterward.

Second, the ''USA RIGHTS Act'' prohibits the collection of domestic communications and permanently ends ''about'' collection, an illegal practice the National Security Agency recently stopped because of persistent and significant compliance violations.

This is important because while ''reverse targeting'' is prohibited under the Jackson Lee Amendment incorporated in the USA Freedom Act enacted on June 2, 2016 (Pub. L. 114–23), this prohibition was often skirted by collecting information from communications that merely mention an intelligence target.

Under the ''USA RIGHTS Act'', collections would be limited to communications that are ''to'' or ''from'' a target, and the intentional collection of wholly domestic communications is prohibited.

Third, the ''USA RIGHTS Act'' requires the government give notice when it uses information obtained or derived from Section 702 surveillance in proceedings against U.S. persons or people on U.S. soil which will enable a defendant to assert his or her constitutional rights and help ensure that foreign intelligence surveillance is not being misused.

Fourth, under the ''USA RIGHTS Act'', Section 702 authority sunsets in 4 years, which will obligate the Congress to exercise regular oversight and provide the opportunity to make necessary reforms before reauthorization.

Mr. Speaker, Section 702 of the Foreign Intelligence Surveillance Act was enacted to protect the liberty and security of Americans, not to diminish their constitutional rights.

All Americans want to find the common ground where commonsense rules and regulations relating to fighting terrorism at home and abroad can exist while still protecting the cherished privacy and civil liberties which Americans hold close to our collective hearts.

That is why Section 702 should not be reauthorized with reforms to prevent the government from using information against its political opponents or members of religious, ethnic, or other groups.

One way to do that without interfering with the national security objectives of 702 surveillance is simply to reject S. 139 and support the USA RIGHTS Act by voting for the Amash-Lofgren Amendment.

Mr. Speaker, I noted in an op-ed published way back in October 2007, that as Alexis de Tocqueville, the most astute student of American democracy, observed nearly two centuries ago, 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.

And the best way to keep America safe and strong is to remain true to the valued embedded in the Constitution and the Bill of Rights.

S. 139 does not strike the proper balance between our cherished liberties and smart security.

We can do better; we should reject S. 139 and support the Amash-Lofgren Amendment.

□ 1000

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the Judiciary Committee and the Crime, Terrorism, Homeland Security, and Investigations Subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this bill, and I will speak later on some of the other parts.

I want to talk about the ''abouts'' stuff that is reauthorized in this bill after the NSA itself stopped doing it earlier last year.

What ''abouts'' collection means is that, for example, if you have two jihadists that are in Pakistan and are communicating with each other that they didn't like something that Mr. NADLER said against jihadists, the FBI can pick up the name ''Nadler'' and go into all of his emails, all of his texts, all of the information that they have on him and be able to see what Mr. NADLER had said about jihadists and much, much more. That is why this bill opens the door to something that the NSA has closed itself.

We will hear from people who support ''abouts'' collection that Congress has got a chance to review it. They give us 30 days to do it. We can't get anything done in 30 days.

Vote ''no'' on the bill.

Mr. NADLER. Mr. Speaker, I yield 45 seconds to the gentleman from California (Mr. TED LIEU).

Mr. TED LIEU of California. Mr. Speaker, having served on Active Duty in the United States military, when it comes to foreign terrorists on foreign soil, we need to track them down and kill them. That is why I support the FISA Act, as applied to foreigners.

But, unfortunately, this act has now been used to apply to Americans. If you are going to do that, you need to follow the Constitution, you need to put in a warrant requirement. Unfortunately, the Nunes FISA bill does not do that. That is why I support the USA RIGHTS amendment.

At the end of the day, this is not about terrorists or terrorism. It is about: Can you use warrantless information against Americans in a domestic court?

That is what this issue is about. Don't let the intelligence agencies scare you.

Vote ''no'' on the Nunes bill and ''yes'' on the USA RIGHTS amendment.

Mr. GOODLATTE. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. CARTER of Georgia). The gentleman from Virginia has 2 minutes remaining. The gentleman from New York has 2¼ minutes remaining.

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

Mr. NADLER. Mr. Speaker, I yield 45 seconds to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, our times are this: the President is abusing his authority. He is stacking the courts with incompetent and ideological judges. He is usurping the powers of the Justice Department and the FBI. He is turning them into political animals.

At the same time as he is doing this, we are considering this legislation, which leaves the door wide open for the abuse of Fourth Amendment rights of Americans.

This is a bad bill for a particularly bad time. I am asking my colleagues to vote ''no.'' We can do better than this. I am asking my colleagues to vote in favor of the USA RIGHTS amendment. If that amendment is not passed, then I ask Members to vote ''no'' on this overall bill. We can't afford to let this happen.

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

Mr. Speaker, in response to those who advocate for the Amash-Lofgren amendment, this amendment will very, very seriously damage our national security. Section 702 is a program for which there is no evidence of abuse and is used to gather information about non-United States citizens outside the United States. In a targeted fashion, they have to go to the court and get approval for the selectors to gather information on a quarterly basis. They gather information incidental to that. Sometimes there is information about United States citizens.

But guess what. The information does not come with little labels attached saying: this is a United States citizen communicating here, or the communication involves someone in the United States.

Therefore, it is absolutely vitally important that we not impair the most important electronic intelligence-gathering mechanism that the United States has to keep us safe. Oppose the Amash amendment.

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

Mr. NADLER. Mr. Speaker, I yield 30 seconds to the gentlewoman from Washington (Ms. JAYAPAL).

Ms. JAYAPAL. Mr. Speaker, I rise in strong opposition to this bill that does nothing to stop the unconstitutional collection of Americans' international communications without first obtaining a warrant, and it codifies the practice of indiscriminately sweeping up massive amounts of domestic communications.

What makes us different from those who would harm us is our commitment to our constitutional values: that we are innocent until proven guilty and that our government must obtain a warrant and show probable cause that there is a legitimate reason to listen in on our conversations.

This bill will further expose people to warrantless prosecutions or detention and deportation in cases that have absolutely no connection whatsoever to national security.

I hope we reject this bill, unless we approve the Amash-Lofgren amendment.

Mr. GOODLATTE. Mr. Speaker, I have only one speaker remaining to close, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader.

Ms. PELOSI. Mr. Speaker, I am proud of the House of Representatives for coming together on the floor of the House and in our various caucuses and conferences to discuss the important challenge that we all face: the balance that we have to protect the American people. That is the oath we take: to protect and defend. As we defend the Constitution, we defend the privacy and the civil liberties of the American people.

It is difficult.

Over 20 years ago, I was on the Intelligence Committee for the purpose of protecting civil liberties and privacy, and also to stop the proliferation of weapons of mass destruction, two really important overarching issues. So I come to the floor today as one who has worked on this issue for a very long time.

I thank our men and women in the intelligence community for the work they do. We are so proud of what they do.

In those days, almost 25 years ago, when I was first on the committee, it was about force protection and trying to have enough intelligence to avoid conflict, but if we were to engage, we would have the intelligence to protect our forces. It was about force protection. In the nineties, it became more about fighting terrorism and other overarching issues as well.

We live in a dangerous world and force protection on the ground, in theater, is still an essential part of what the intelligence community does. Again, I thank the men and women in the intelligence community for their patriotism and their courage.

The issue that relates to fighting terrorism is one that sometimes has a frightening manifestation on our own soil. But as we protect and defend the American people and the Constitution and their rights, we have to have that balance. It was Benjamin Franklin who said: If we don't fight for security and freedom, we won't have either.

I want to particularly thank our ranking member on the Intelligence Committee. He has made us all proud in going across the country to honor our Constitution, talking about undermining our election system, talking about protecting the American people in ways that is consistent with our Constitution. I thank Mr. SCHIFF and I support him today in his support of the bill that came from his committee.

Is it perfect?

I have never voted for a perfect bill in this House.

I also thank Mr. NADLER, a genius on all of these issues that relate to our Constitution. I also thank the members of the Judiciary Committee.

We have very few members on the Intelligence Committee who are deputized by the Speaker and by the leaders of each party to go to the Intelligence Committee to deal with issues that relate to the balance between security and privacy.

With all the respect in the world for the magnificent members of the Judiciary Committee, all of whom I respect, it is not right to say there is nothing in this bill that protects the privacy of the American people.

In fact, when I was supporting the Judiciary Committee bill, outside groups were complaining. They wanted the Zoe Lofgren amendment. They didn't want that bill. They were complaining about it. Now, today, they are saying that is what they want.

Studying the issue, I think one of the differences along the way is when it is appropriate in terms of a warrant. That is why I am so pleased that we will be offering a motion to recommit that addresses just that concern, which is what I am hearing about from folks.

The amendment, the motion to recommit, addresses concerns of people on both sides of the aisle, certainly in our Democratic Caucus, that seeks to secure the highest possible protections for American civil liberties. At the same time, it ensures that the intelligence community and law enforcement can continue to keep Americans safe.

This amendment would go a step further from the modified bill that is on the floor under consideration to ensure law enforcement secures a warrant before accessing Americans' information.

Let me repeat that. The amendment will go a step further than the modified bill under consideration to ensure law enforcement secures a warrant before accessing Americans' information.

Under this amendment, a court order would be required to access Americans' data in connection with any non-national security criminal investigation by the FBI.

This amendment removes predicate—that is the operational word—standards and it expands the universe of investigations that would require a warrant.

A vote for this amendment—and I hope it would be bipartisan, especially from those who are objecting to the bill on the floor—is a vote for privacy protections and for civil liberties. We would have preferred to have this in the original bill that is coming to the floor. We couldn't get that in committee. Hopefully, we can get it on the floor.

Voting against the motion to recommit means fewer protections, less oversight, and more risk that Americans' rights will be violated.

In the course of this, I mentioned this issue about the warrant and arrest. I talked about the Judiciary Committee's bill. At the offset of all of this, we all opposed the first Intelligence Committee's bill. We supported the Judiciary Committee's bipartisan bill being criticized by some outside groups for supporting it, rather than the Lofgren amendment.

But changes were made in the Intelligence Committee's bill to this effect. We asked the Speaker to take out the masking provisions, which have no place in this bill. The chairman of the Intelligence Committee, Mr. NUNES, foolishly put that in this bill. It made it a complete nonstarter. I thank the Speaker for removing it.

By the way, somebody should tell the President because he thinks it is still in the bill. With that being said, I personally directed the unmasking process be fixed. It isn't fixed in the bill, Mr. President. That would be a second tweet of the day, confusing matters even worse, unfortunately. The administration, although they probably would like an extension of the status quo, understands we have to do more than that.

The other provision that was in the bill was an expansion of agents of foreign governments. Agents of foreign governments opened up more people who would be subjected to surveillance. We said: That doesn't fly. That has to be closed. The Speaker did that.

Then, on the ''abouts'' language, I think most people who understand that—it is a complicated issue—understand that it is really not a factor in this discussion. People don't want it mentioned, but the fact is that it had to be addressed. It is not being used and it is unconstitutional. Until it can be proven to be constitutional, it can't be used. When it is used, they would have to go to the FISA court to get permission, and then come to Congress for ratification of that. So there are many protections there.

It is hard, I know. I had a hard time when I was Speaker and we passed a bill to address the gross violations of Vice President Cheney doing the Bush-Cheney surveillance. It was appalling, in my view. I considered it unconstitutional, others did not. But, nonetheless, we put in many, many protections where there were none, and then renewed and improved them when we renewed the bill subsequently in its reauthorization.

□ 1015

This isn't about the other side of the aisle that is saying you don't care about privacy if you support this bill. It isn't about that. It is about where you strike the balance when you weigh the equities.

We have to come down in favor of honoring our Constitution and our civil liberties, but we cannot do that completely at the expense. And I believe that the Members and Mr. NADLER understand that full well, and I commend him for his deep understanding of the vital national security issues and the invaluable work that his committee has done to strike a balance between security and privacy and has made a difference.

But the choice we have today is to pass something that is—defeat this bill. Okay. You have done that, if you want to do that. Pass an amendment that won't go anyplace, you can do that, and we will be left with extension of the status quo of the current law.

As one who has participated in writing it those years ago, I understand its merit. I also understand the changes in technology, of tactics of terrorists who are out there, and that we have to improve the bill.

I don't consider it a reform bill. It is not that vast. It is some improvements in how we can collect, protect, again, keep the American people safe as well as protect their civil liberties.

Just a couple other things about it. Since this legislation was designed to address concerns related to the use of information collected under FISA section 702, an important foreign intelligence collection authority—we have to keep that emphasis on ''an important foreign intelligence authority.''

So, my colleagues, to that end, this modifies that it requires a court order based on probable cause for FBI criminal investigators to view Americans' communication in the section 702 database and mandates an inspector general study of 702 data. So let's keep the vigilance on, even as we go forward. It contains refined language related to ''abouts'' collection. It requires the executive branch to secure explicit approval from the FISA court for collection. It further objects ''abouts'' collections to—subjects a 30-day congressional review process. I know Mr. SENSENBRENNER said nobody can do anything in 30 days, but I think we can.

The bill strengthens the privacy and civil liberties oversight board. That was something I was instrumental in establishing when I was on the Intelligence Committee. I know it is important, but I also know that it has to be strengthened and it has to be respected as a watchdog.

So, I mean, the list goes on requiring public reporting on the use of 702 data, just saying to the intelligence community: Don't try to minimize any violations that may have occurred; we want the facts; we want the truth.

And that is why I am so glad it has expanded whistleblower protections and briefings to the Oversight Committee, which we have required. Unlike the original House Intelligence bill, which I oppose, this bill does not include language that would have likely expanded the universe of FISA targets who are now, as I mentioned before, agents of foreign policy powers. It excludes the language on unmasking; somebody tell the President.

It gives me great pride in our Caucus, if you could have heard the beautiful debate between Mr. NADLER and Mr.

SCHIFF on this subject. We are not that far apart. I think that the motion to recommit addresses most of the concerns we have been getting from the outside groups, and communities have dedicated their—whose organized purpose is to protect the civil liberties of the American people.

But, again, with great respect for everyone's opinions and whatever they have put forth, again, saluting our men and women in the intelligence community for the work that they do, we want to be sure we strengthen their hand in terms of protecting the national security of our country, which is our first responsibility, keep the American people safe, and, as we do so, to honor our oath of office to the Constitution, to honor the principles of the Constitution.

Our Founders knew full well the challenge between security and civil liberties. They lived in a world when they were under attack. The War of 1812 came very soon after the establishment of our country, so this was not a foreign idea to them, and they bequeathed to us the responsibility to protect, defend, protect our liberties.

And, again, respectful of this debate on this issue, I myself will be voting to support my ranking member on the Intelligence Committee, Mr. SCHIFF, our ranking member, and Members will follow their conscience on this. I just wanted you to know, from my experience in all of this and with weighing the equities involved, that that is the path that I will take.

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

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee, to close the debate on this side.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman of the Judiciary Committee, and I also thank the minority leader for her remarks in support of 702.

I rise in support of the 702 reauthorization. It is critical to our national security. You would see the color drain out of the faces of all of our security personnel, the entire national security community, if we lost the ability and went dark on 702.

We have got to follow through in this Congress. We have got to provide the flexibility for them to use the tools that we have available to us, and we have set up procedures that will approve of this annually under the FISA courts. We have got a probable cause requirement for any criminal investigation. That protects U.S. persons. And we don't need to be protecting anything but U.S. persons when it comes to this.

The gentlewoman spoke of civil liberties, and I stand in defense of those civil liberties as well and in defense of the national security. We have got an IG report that is written into this bill.

But I would remind the people who are concerned about this focus on these civil liberties that Google and Facebook and Verizon and AT&T, they hold more data than the U.S. Government has. That is where the real information is, and if they are concerned about that, they should raise that issue.

Meanwhile, I am going to oppose the Amash amendment and support the reauthorization of 702. Our people in this America, U.S. persons, deserve that protection for national security reasons. I urge its adoption.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. AMASH

Mr. AMASH. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, strike line 1 and all that follows and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting and Strengthening America by Reforming and Improving the Government's High-Tech Surveillance Act'' or the ''USA RIGHTS Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. CLARIFICATION ON PROHIBITION ON QUERYING OF COLLECTIONS OF COMMUNICATIONS TO CONDUCT WARRANTLESS QUERIES FOR THE COMMUNICATIONS OF UNITED STATES PERSONS AND PERSONS INSIDE THE UNITED STATES.

Section 702(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;

(2) by striking ''An acquisition'' and inserting the following:

''(1) IN GENERAL.—An acquisition''; and

(3) by adding at the end the following:

''(2) CLARIFICATION ON PROHIBITION ON QUERYING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS AND PERSONS INSIDE THE UNITED STATES.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of the United States may conduct a query of information acquired under this section in an effort to find communications of or about a particular United States person or a person inside the United States.

''(B) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—Subparagraph (A) shall not apply to a query for communications related to a particular United States person or person inside the United States if—

''(i) such United States person or person inside the United States is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705 of this Act, or under title 18, United States Code, for the effective period of that order;

''(ii) the entity carrying out the query has a reasonable belief that the life or safety of such United States person or person inside the United States is threatened and the information is sought for the purpose of assisting that person;

''(iii) such United States person or person in the United States is a corporation; or

''(iv) such United States person or person inside the United States has consented to the query.

''(C) QUERIES OF FEDERATED DATA SETS AND MIXED DATA.—If an officer or employee of the United States conducts a query of a data set, or of federated data sets, that includes any information acquired under this section, the system shall be configured not to return such information unless the officer or employee enters a code or other information indicating that—

''(i) the person associated with the search term is not a United States person or person inside the United States; or

''(ii) if the person associated with the search term is a United States person or person inside the United States, one or more of the conditions of subparagraph (B) are satisfied.

''(D) MATTERS RELATING TO EMERGENCY QUERIES.—

''(i) TREATMENT OF DENIALS.—In the event that a query for communications related to a particular United States person or a person inside the United States is conducted pursuant to an emergency authorization authorizing electronic surveillance or a physical search described in subsection (B)(i) and the application for such emergency authorization is denied, or in any other case in which the query has been conducted and no order is issued approving the query—

''(I) no information obtained or evidence derived from such query may 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

''(II) no information concerning any United States person acquired from such query may 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.

''(ii) ASSESSMENT OF COMPLIANCE.—The Attorney General shall assess compliance with the requirements under clause (i).''.

SEC. 3. PROHIBITION ON REVERSE TARGETING UNDER CERTAIN AUTHORITIES OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as amended by section 2, is further amended—

(1) in subsection (b)(1)(B), as redesignated by section 2, by striking ''the purpose of such acquisition is to target'' and inserting ''a significant purpose of such acquisition is to acquire the communications of'';

(2) in subsection (d)(1)(A)—

(A) by striking ''ensure that'' and inserting the following: ''ensure—

''(i) that''; and

(B) by adding at the end the following:

''(ii) that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States; and'';

(3) in subsection (g)(2)(A)(i)(I)—

(A) by striking ''ensure that'' and inserting the following: ''ensure—

''(aa) that''; and

(B) by adding at the end the following:

''(bb) that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States; and''; and

(4) in subsection (i)(2)(B)(i)—

(A) by striking ''ensure that'' and inserting the following: ''ensure—

''(I) that''; and

(B) by adding at the end the following:

''(II) that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States; and''.

SEC. 4. PROHIBITION ON ACQUISITION, PURSUANT TO CERTAIN FISA AUTHORITIES TO TARGET CERTAIN PERSONS OUTSIDE THE UNITED STATES, OF COMMUNICATIONS THAT DO NOT INCLUDE PERSONS TARGETED UNDER SUCH AUTHORITIES.

Section 702(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as redesignated by section 2, is amended—

(1) in subparagraph (D), as redesignated by section 2, by striking ''; and'' and inserting a semicolon;

(2) by redesignating subparagraph (E) as subparagraph (G); and

(3) by inserting after subparagraph (D) the following:

''(E) may not acquire a communication as to which no participant is a person who is targeted pursuant to the authorized acquisition;''.

SEC. 5. PROHIBITION ON ACQUISITION OF ENTIRELY DOMESTIC COMMUNICATIONS UNDER AUTHORITIES TO TARGET CERTAIN PERSONS OUTSIDE THE UNITED STATES.

Section 702(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as redesignated by section 2 and amended by section 4, is further amended by inserting after subparagraph (E), as added by section 4, the following:

''(F) may not acquire communications known to be entirely domestic; and''.

SEC. 6. LIMITATION ON USE OF INFORMATION OBTAINED UNDER CERTAIN AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1947 RELATING TO UNITED STATES PERSONS.

Section 706(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881e(a)) is amended—

(1) by striking ''Information acquired'' and inserting the following:

''(1) IN GENERAL.—Information acquired''; and

(2) by adding at the end the following:

''(2) LIMITATION ON USE IN CRIMINAL, CIVIL, AND ADMINISTRATIVE PROCEEDINGS AND INVESTIGATIONS.—No communication to or from, or information about, a person acquired under section 702 who is either a United States person or is located in the United States may be introduced as evidence against the person in any criminal, civil, or administrative proceeding or used as part of any criminal, civil, or administrative investigation, except—

''(A) with the prior approval of the Attorney General; and

''(B) in a proceeding or investigation in which the information is directly related to and necessary to address a specific threat of—

''(i) terrorism (as defined in clauses (i) through (iii) of section 2332(g)(5)(B) of title 18, United States Code);

''(ii) espionage (as used in chapter 37 of title 18, United States Code);

''(iii) proliferation or use of a weapon of mass destruction (as defined in section 2332a(c) of title 18, United States Code);

''(iv) a cybersecurity threat from a foreign country;

''(v) incapacitation or destruction of critical infrastructure (as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e))); or

''(vi) a threat to the armed forces of the United States or an ally of the United States or to other personnel of the United States Government or a government of an ally of the United States.''.

SEC. 7. REFORMS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) INCLUSION OF FOREIGN INTELLIGENCE ACTIVITIES IN OVERSIGHT AUTHORITY OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee) is amended—

(1) in subsection (c), by inserting ''and to conduct foreign intelligence activities'' after ''terrorism'' each place such term appears; and

(2) in subsection (d), by inserting ''and to conduct foreign intelligence activities'' after ''terrorism'' each place such term appears.

(b) SUBMISSION OF WHISTLEBLOWER COMPLAINTS TO THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—

(1) IN GENERAL.—Section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), as amended by subsection (a), is further amended—

(A) in subsection (d), by adding at the end the following:

''(5) WHISTLEBLOWER COMPLAINTS.—

''(A) SUBMISSION TO BOARD.—An employee of, or contractor or detailee to, an element of the intelligence community may submit to the Board a complaint or information that such employee, contractor, or detailee believes relates to a privacy or civil liberties concern. The confidentiality provisions under section 2409(b)(3) of title 10, United States Code, shall apply to a submission under this subparagraph. Any disclosure under this subparagraph shall be protected against discrimination under the procedures, burdens of proof, and remedies set forth in section 2409 of such title.

''(B) AUTHORITY OF BOARD.—The Board may take such action as the Board considers appropriate with respect to investigating a complaint or information submitted under subparagraph (A) or transmitting such complaint or information to any other Executive agency or the congressional intelligence committees.

''(C) RELATIONSHIP TO EXISTING LAWS.—The authority under subparagraph (A) of an employee, contractor, or detailee to submit to the Board a complaint or information shall be in addition to any other authority under another provision of law to submit a complaint or information. Any action taken under any other provision of law by the recipient of a complaint or information shall not preclude the Board from taking action relating to the same complaint or information.

''(D) RELATIONSHIP TO ACTIONS TAKEN UNDER OTHER LAWS.—Nothing in this paragraph shall prevent—

''(i) any individual from submitting a complaint or information to any authorized recipient of the complaint or information; or

''(ii) the recipient of a complaint or information from taking independent action on the complaint or information.''; and

(B) by adding at the end the following:

''(n) DEFINITIONS.—In this section, the terms 'congressional intelligence committees' and 'intelligence community' have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).''.

(2) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8)(B) of title 5, United States Code, is amended, in the matter preceding clause (i), by striking ''or to the Inspector of

an agency or another employee designated by the head of the agency to receive such disclosures'' and inserting ''the Inspector General of an agency, a supervisor in the employee's direct chain of command (up to and including the head of the employing agency), the Privacy and Civil Liberties Oversight Board, or an employee designated by any of the aforementioned individuals for the purpose of receiving such disclosures''.

(c) PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD SUBPOENA POWER.—Section 1061(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is amended—

(1) in paragraph (1)(D), by striking ''submit a written request to the Attorney General of the United States that the Attorney General'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(d) APPOINTMENT OF STAFF OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(j)) is amended—

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

(2) by inserting after paragraph (1) the following:

''(2) APPOINTMENT IN ABSENCE OF CHAIRMAN.—If the position of chairman of the Board is vacant, during the period of the vacancy the Board, at the direction of the majority of the members of the Board, may exercise the authority of the chairman under paragraph (1).''.

(e) TENURE AND COMPENSATION OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD MEMBERS AND STAFF.—

(1) IN GENERAL.—Section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), as amended by subsections (a) and (b), is further amended—

(A) in subsection (h)—

(i) in paragraph (1), by inserting ''full-time'' after ''4 additional''; and

(ii) in paragraph (4)(B), by striking '', except that'' and all that follows through the end and inserting a period;

(B) in subsection (i)(1)—

(i) in subparagraph (A), by striking ''level III of the Executive Schedule under section 5314'' and inserting ''level II of the Executive Schedule under section 5313''; and

(ii) in subparagraph (B), by striking ''level IV of the Executive Schedule'' and all that follows through the end and inserting ''level III of the Executive Schedule under section 5314 of title 5, United States Code.''; and

(C) in subsection (j)(1), by striking ''level V of the Executive Schedule under section 5316'' and inserting ''level IV of the Executive Schedule under section 5315''.

(2) EFFECTIVE DATE; APPLICABILITY.—

(A) IN GENERAL.—The amendments made by paragraph (1)—

(i) shall take effect on the date of the enactment of this Act; and

(ii) except as provided in paragraph (2), shall apply to any appointment to a position as a member of the Privacy and Civil Liberties Oversight Board made on or after the date of the enactment of this Act.

(B) EXCEPTIONS.—

(i) COMPENSATION CHANGES.—The amendments made by subparagraphs (B)(i) and (C) of paragraph (1) shall take effect on the first day of the first pay period beginning after the date of the enactment of this Act.

(ii) ELECTION TO SERVE FULL TIME BY INCUMBENTS.—

(I) IN GENERAL.—An individual serving as a member of the Privacy and Civil Liberties Oversight Board on the date of the enactment of this Act, including a member continuing to serve as a member under section 1061(h)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(h)(4)(B)), (referred to in this clause as a ''current member'') may make an election to—

(aa) serve as a member of the Privacy and Civil Liberties Oversight Board on a full-time basis and in accordance with section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), as amended by this section; or

(bb) serve as a member of the Privacy and Civil Liberties Oversight Board on a part-time basis in accordance with such section 1061, as in effect on the day before the date of the enactment of this Act, including the limitation on service after the expiration of the term of the member under subsection (h)(4)(B) of such section, as in effect on the day before the date of the enactment of this Act.

(II) ELECTION TO SERVE FULL TIME.—A current member making an election under subclause (I)(aa) shall begin serving as a member of the Privacy and Civil Liberties Oversight Board on a full-time basis on the first day of the first pay period beginning not less than 60 days after the date on which the current member makes such election.

(f) PROVISION OF INFORMATION ABOUT GOVERNMENT ACTIVITIES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 TO THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—The Attorney General shall fully inform the Privacy and Civil Liberties Oversight Board about any activities carried out by the Government under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including by providing to the Board—

(1) copies of each detailed report submitted to a committee of Congress under such Act; and

(2) copies of each decision, order, and opinion of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review required to be included in the report under section 601(a) of such Act (50 U.S.C. 1871(a)).

SEC. 8. IMPROVED ROLE IN OVERSIGHT OF ELECTRONIC SURVEILLANCE BY AMICI CURIAE APPOINTED BY COURTS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ROLE OF AMICI CURIAE GENERALLY.—

(1) IN GENERAL.—Section 103(i)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)(1)) is amended by adding at the end the following: ''Any amicus curiae designated pursuant to this paragraph may raise any issue with the Court at any time.''.

(2) REFERRAL OF CASES FOR REVIEW.—Section 103(i) of such Act is amended—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively; and

(B) by inserting after paragraph (4) the following:

''(5) REFERRAL FOR REVIEW.—

''(A) REFERRAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.—If the court established under subsection (a) appoints an amicus curiae under paragraph (2)(A) to assist the Court in the consideration of any matter presented to the Court under this Act and the Court makes a decision with respect to such matter, the Court, in response to an application by the amicus curiae or any other individual designated under paragraph (1), may refer the decision to the Court en banc for review as the Court considers appropriate.

''(B) REFERRAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—If the court established under subsection (a) appoints an amicus curiae under paragraph (2)(A) to assist the Court in the consideration of any matter presented to the Court under this Act and the Court makes a decision with respect to such matter, the Court, in response to an application by the amicus curiae or any other individual designated under paragraph (1) may refer the decision to the court established under subsection (b) for review as the Court considers appropriate.

''(C) REFERRAL TO SUPREME COURT.—If the Court of Review appoints an amicus curiae under paragraph (2) to assist the Court of Review in the review of any matter presented to the Court of Review under this Act or a question of law that may affect resolution of a matter in controversy and the Court of Review makes a decision with respect to such matter or question of law, the Court of Review, in response to an application by the amicus curiae or any other individual designated under paragraph (1) may refer the decision to the Supreme Court for review as the Court of Review considers appropriate.

''(D) ANNUAL REPORT.—Not later than 60 days after the end of each calendar year, the Court and the Court of Review shall each publish, on their respective websites, a report listing—

''(i) the number of applications for referral received by the Court or the Court of Review, as applicable, during the most recently concluded calendar year; and

''(ii) the number of such applications for referral that were granted by the Court or the Court of Review, as applicable, during such calendar year.''.

(3) ASSISTANCE.—Section 103(i)(6) of such Act, as redesignated, is further amended to read as follows:

''(6) ASSISTANCE.—Any individual designated pursuant to paragraph (1) may raise a legal or technical issue or any other issue with the Court or the Court of Review at any time. If an amicus curiae is appointed under paragraph (2)(A)—

''(A) the court shall notify all other amicus curiae designated under paragraph (1) of such appointment;

''(B) the appointed amicus curiae may request, either directly or through the court, the assistance of the other amici curiae designated under paragraph (1); and

''(C) all amici curiae designated under paragraph (1) may provide input to the court whether or not such input was formally requested by the court or the appointed amicus curiae.''.

(4) ACCESS TO INFORMATION.—Section 103(i)(7) of such Act, as redesignated, is further amended—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking ''that the court'' and inserting the following: ''that—

''(I) the court''; and

(II) by striking ''and'' at the end and inserting the following: ''or

''(II) are cited by the Government in an application or case with respect to which an amicus curiae is assisting a court under this subsection;'';

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

''(ii) shall have access to an unredacted copy of each decision made by a court established under subsection (a) or (b) in which the court decides a question of law, notwithstanding whether the decision is classified; and'';

(B) in subparagraph (B), by striking ''may'' and inserting ''shall''; and

(C) in subparagraph (C)—

(i) in the subparagraph heading, by striking ''CLASSIFIED INFORMATION'' and inserting ''ACCESS TO INFORMATION''; and

(ii) by striking ''court may have access'' and inserting the following: ''court—

''(i) shall have access to unredacted copies of each opinion, order, transcript, pleading, or other document of the Court and the Court of Review; and

''(ii) may have access''.

(5) PUBLIC NOTICE AND RECEIPT OF BRIEFS FROM THIRD PARTIES.—Section 103(i) of such Act, as amended by this subsection, is further amended by adding at the end the following:

''(12) PUBLIC NOTICE AND RECEIPT OF BRIEFS FROM THIRD PARTIES.—Whenever a court established under subsection (a) or (b) considers a novel question of law that can be considered without disclosing classified information, sources, or methods, the court shall, to the greatest extent practicable, consider such question in an open manner—

''(A) by publishing on its website each question of law that the court is considering; and

''(B) by accepting briefs from third parties relating to the question under consideration by the court.''.

(b) PARTICIPATION OF AMICI CURIAE IN OVERSIGHT OF AUTHORIZATIONS FOR TARGETING OF CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.—

(1) IN GENERAL.—Section 702(i)(2) of such Act (50 U.S.C. 1881a(i)(2)) is amended—

(A) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the indentation of the margin of such subclauses, as so redesignated, two ems to the right;

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and adjusting the indentation of the margin of such clauses, as so redesignated, two ems to the right;

(C) by inserting before clause (i), as redesignated by subparagraph (B), the following:

''(A) IN GENERAL.—''; and

(D) by adding at the end the following:

''(B) PARTICIPATION BY AMICI CURIAE.—In reviewing a certification under subparagraph (A)(i), the Court shall randomly select an amicus curiae designated under section 103(i) to assist with such review.''.

(2) SCHEDULE.—Section 702(i)(5)(A) of such Act is amended by striking ''at least 30 days prior to the expiration of such authorization'' and inserting ''such number of days before the expiration of such authorization as the Court considers necessary to comply with the requirements of paragraph (2)(B) or 30 days, whichever is greater''.

(c) PUBLIC NOTICE OF QUESTIONS OF LAW CERTIFIED FOR REVIEW.—Section 103(j) of such Act (50 U.S.C. 1803(j)) is amended—

(1) by striking ''Following'' and inserting the following:

''(1) IN GENERAL.—Following''; and

(2) by adding at the end the following:

''(2) PUBLIC NOTICE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), whenever a court established under subsection (a) certifies a question of law for review under paragraph (1) of this subsection, the court shall publish on its website—

''(i) a notice of the question of law to be reviewed; and

''(ii) briefs submitted by the parties, which may be redacted at the discretion of the court to protect sources, methods, and other classified information.

''(B) PROTECTION OF CLASSIFIED INFORMATION, SOURCES, AND METHODS.—Subparagraph (A) shall apply to the greatest extent practicable, consistent with otherwise applicable law on the protection of classified information, sources, and methods.''.

SEC. 9. REFORMS TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) FISA COURT JUDGES.—

(1) NUMBER AND DESIGNATION OF JUDGES.—Section 103(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)(1)) is amended to read as follows:

''(1)(A) There is a court which shall have jurisdiction to hear applications for and to grant orders approving electronic surveillance anywhere within the United States under the procedures set forth in this Act.

''(B)(i) The court established under subparagraph (A) shall consist of 13 judges, one of whom shall be designated from each judicial circuit (including the United States Court of Appeals for the District of Columbia and the United States Court of Appeals for the Federal Circuit).

''(ii) The Chief Justice of the United States shall—

''(I) designate each judge of the court established under subparagraph (A) from the nominations made under subparagraph (C); and

''(II) make the name of each judge of such court available to the public.

''(C)(i) When a vacancy occurs in the position of a judge of the court established under subparagraph (A) from a judicial circuit, the chief judge of the circuit shall propose a district judge for a judicial district within the judicial circuit to be designated for that position.

''(ii) If the Chief Justice does not designate a district judge proposed under clause (i), the chief judge shall propose 2 other district judges for a judicial district within the judicial circuit to be designated for that position and the Chief Justice shall designate 1 such district judge to that position.

''(D) No judge of the court established under subparagraph (A) (except when sitting en banc under paragraph (2)) shall hear the same application for electronic surveillance under this Act which has been denied previously by another judge of such court.

''(E) If any judge of the court established under subparagraph (A) denies an application for an order authorizing electronic surveillance under this Act, such judge shall provide immediately for the record a written statement of each reason for the judge's decision and, on motion of the United States, the record shall be transmitted, under seal, to the court of review established in subsection (b).''.

(2) TENURE.—Section 103(d) of such Act is amended by striking ''redesignation,'' and all that follows through the end and inserting ''redesignation.''.

(3) IMPLEMENTATION.—

(A) INCUMBENTS.—A district judge designated to serve on the court established under subsection (a) of such section before the date of enactment of this Act may continue to serve in that position until the end of the term of the district judge under subsection (d) of such section, as in effect on the day before the date of the enactment of this Act.

(B) INITIAL APPOINTMENT AND TERM.—Notwithstanding any provision of such section, as amended by paragraphs (1) and (2), and not later than 180 days after the date of enactment of this Act, the Chief Justice of the United States shall—

(i) designate a district court judge who is serving in a judicial district within the District of Columbia circuit and proposed by the chief judge of such circuit to be a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) for an initial term of 7 years; and

(ii) designate a district court judge who is serving in a judicial district within the Federal circuit and proposed by the chief judge of such circuit to be a judge of such court for an initial term of 4 years.

(b) COURT OF REVIEW.—Section 103(b) of such Act is amended—

(1) by striking ''The Chief Justice'' and inserting ''(1) Subject to paragraph (2), the Chief Justice''; and

(2) by adding at the end the following:

''(2) The Chief Justice may designate a district court judge or circuit court judge to a position on the court established under paragraph (1) only if at least 5 associate justices approve the designation of such individual.''.

SEC. 10. STUDY AND REPORT ON DIVERSITY AND REPRESENTATION ON THE FISA COURT AND THE FISA COURT OF REVIEW.

(a) STUDY.—The Committee on Intercircuit Assignments of the Judicial Conference of the United States shall conduct a study on how to ensure judges are appointed to the court established under subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) and the court established under subsection (b) of such section in a manner that ensures such courts are diverse and representative.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Committee on Intercircuit Assignments shall submit to Congress a report on the study carried out under subsection (a).

SEC. 11. GROUNDS FOR DETERMINING INJURY IN FACT IN CIVIL ACTION RELATING TO SURVEILLANCE UNDER CERTAIN PROVISIONS OF FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as amended by sections 2, 3, 4, 5, and 8(b), is further amended by adding at the end the following:

''(m) CHALLENGES TO GOVERNMENT SURVEILLANCE.—

''(1) INJURY IN FACT.—In any claim in a civil action brought in a court of the United States relating to surveillance conducted under this section, the person asserting the claim has suffered an injury in fact if the person—

''(A) has a reasonable basis to believe that the person's communications will be acquired under this section; and

''(B) has taken objectively reasonable steps to avoid surveillance under this section.

''(2) REASONABLE BASIS.—A person shall be presumed to have demonstrated a reasonable basis to believe that the communications of the person will be acquired under this section if the profession of the person requires the person regularly to communicate foreign intelligence information with persons who—

''(A) are not United States persons; and

''(B) are located outside the United States.

''(3) OBJECTIVE STEPS.—A person shall be presumed to have taken objectively reasonable steps to avoid surveillance under this section if the person demonstrates that the steps were taken in reasonable response to rules of professional conduct or analogous professional rules.''.

SEC. 12. CLARIFICATION OF APPLICABILITY OF REQUIREMENT TO DECLASSIFY SIGNIFICANT DECISIONS OF FOREIGN INTELLIGENCE SURVEILLANCE COURT AND FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.

Section 602 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1872) shall apply with respect to decisions, orders, and opinions described in subsection (a) of such section that were issued on, before, or after the date of the enactment of the Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015 (Public Law 114–23).

SEC. 13. CLARIFICATION REGARDING TREATMENT OF INFORMATION ACQUIRED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) DERIVED DEFINED.—

(1) IN GENERAL.—Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended by adding at the end the following:

''(q) For the purposes of notification provisions of this Act, information or evidence is 'derived' from an electronic surveillance, physical search, use of a pen register or trap and trace device, production of tangible things, or acquisition under this Act when the Government would not have originally possessed the information or evidence but for that electronic surveillance, physical search, use of a pen register or trap and trace device, production of tangible things, or acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means.''.

(2) POLICIES AND GUIDANCE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall publish the following:

(i) Policies concerning the application of subsection (q) of section 101 of such Act, as added by paragraph (1).

(ii) Guidance for all members of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) and all Federal agencies with law enforcement responsibilities concerning the application of such subsection.

(B) MODIFICATIONS.—Whenever the Attorney General and the Director modify a policy or guidance published under subparagraph (A), the Attorney General and the Director shall publish such modifications.

(b) USE OF INFORMATION ACQUIRED UNDER TITLE VII.—Section 706 of such Act (50 U.S.C. 1881e) is amended—

(1) in subsection (a), by striking '', except for the purposes of subsection (j) of such section''; and

(2) by amending subsection (b) to read as follows:

''(b) INFORMATION ACQUIRED UNDER SECTIONS 703–705.—Information acquired from an acquisition conducted under section 703, 704, or 705 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for the purposes of section 106.''.

SEC. 14. LIMITATION ON TECHNICAL ASSISTANCE FROM ELECTRONIC COMMUNICATION SERVICE PROVIDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 702(h)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(h)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the right;

(2) by striking ''With respect to'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), in carrying out''; and

(3) by adding at the end the following:

''(B) LIMITATIONS.—The Attorney General or the Director of National Intelligence may not request assistance from an electronic communication service provider under subparagraph (A) without demonstrating, to the satisfaction of the Court, that the assistance sought—

''(i) is necessary;

''(ii) is narrowly tailored to the surveillance at issue; and

''(iii) would not pose an undue burden on the electronic communication service provider or its customers who are not an intended target of the surveillance.

''(C) COMPLIANCE.—An electronic communication service provider is not obligated to comply with a directive to provide assistance under this paragraph unless—

''(i) such assistance is a manner or method that has been explicitly approved by the Court; and

''(ii) the Court issues an order, which has been delivered to the provider, explicitly describing the assistance to be furnished by the provider that has been approved by the Court.''.

SEC. 15. MODIFICATION OF AUTHORITIES FOR PUBLIC REPORTING BY PERSONS SUBJECT TO NONDISCLOSURE REQUIREMENT ACCOMPANYING ORDER UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) MODIFICATION OF AGGREGATION BANDING.—Subsection (a) of section 604 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1874) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply into separate categories of—

''(A) the number of national security letters received, reported—

''(i) for the first 1000 national security letters received, in bands of 200 starting with 1–200; and

''(ii) for more than 1000 national security letters received, the precise number of national security letters received;

''(B) the number of customer selectors targeted by national security letters, reported—

''(i) for the first 1000 customer selectors targeted, in bands of 200 starting with 1–200; and

''(ii) for more than 1000 customer selectors targeted, the precise number of customer selectors targeted;

''(C) the number of orders or directives received, combined, under this Act for contents—

''(i) reported—

''(I) for the first 1000 orders and directives received, in bands of 200 starting with 1–200; and

''(II) for more than 1000 orders and directives received, the precise number of orders received; and

''(ii) disaggregated by whether the order or directive was issued under section 105, 402, 501, 702, 703, or 704;

''(D) the number of customer selectors targeted under orders or directives received, combined, under this Act for contents—

''(i) reported—

''(I) for the first 1000 customer selectors targeted, in bands of 200 starting with 1–200; and

''(II) for more than 1000 customer selectors targeted, the precise number of customer selectors targeted; and

''(ii) disaggregated by whether the order or directive was issued under section 105, 402, 501, 702, 703, or 704;

''(E) the number of orders or directives received under this Act for noncontents—

''(i) reported—

''(I) for the first 1000 orders or directives received, in bands of 200 starting with 1–200; and

''(II) for more than 1000 orders or directives received, the precise number of orders received; and

''(ii) disaggregated by whether the order or directive was issued under section 105, 402, 501, 702, 703, or 704; and

''(F) the number of customer selectors targeted under orders or directives under this Act for noncontents—

''(i) reported—

''(I) for the first 1000 customer selectors targeted, in bands of 200 starting with 1–200; and

''(II) for more than 1000 customer selectors targeted, the precise number of customer selectors targeted; and

''(ii) disaggregated by whether the order or directive was issued under section 105, 402, 501, 702, 703, or 704.''; and

(2) by redesignating paragraph (4) as paragraph (2).

(b) ADDITIONAL DISCLOSURES.—Such section is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ADDITIONAL DISCLOSURES.—A person who publicly reports information under subsection (a) may also publicly report the following information, relating to the previous 180 days, using a semiannual report that indicates whether the person was or was not required to comply with an order, directive, or national security letter issued under each of sections 105, 402, 501, 702, 703, and 704 and the provisions listed in section 603(e)(3).''.

SEC. 16. ANNUAL PUBLICATION OF STATISTICS ON NUMBER OF PERSONS TARGETED OUTSIDE THE UNITED STATES UNDER CERTAIN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AUTHORITY.

Not less frequently than once each year, the Director of National Intelligence shall publish the following:

(1) A description of the subject matter of each of the certifications provided under subsection (g) of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in the last calendar year.

(2) Statistics revealing the number of persons targeted in the last calendar year under subsection (a) of such section, disaggregated by certification under which the person was targeted.

SEC. 17. REPEAL OF NONAPPLICABILITY TO FEDERAL BUREAU OF INVESTIGATION OF CERTAIN REPORTING REQUIREMENTS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 603(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873(d)(2)) is amended by striking ''(A) FEDERAL BUREAU'' and all that follows through ''Paragraph (3)(B) of'' and inserting ''Paragraph (3)(B)''.

SEC. 18. PUBLICATION OF ESTIMATES REGARDING COMMUNICATIONS COLLECTED UNDER CERTAIN PROVISION OF FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall publish an estimate of—

(1) the number of United States persons whose communications are collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a); or

(2) the number of communications collected under such section to which a party is a person inside the United States.

(b) IN CASE OF TECHNICAL IMPOSSIBILITY.—If the Director determines that publishing an estimate pursuant to subsection (a) is not technically possible—

(1) subsection (a) shall not apply; and

(2) the Director shall publish an assessment in unclassified form explaining such determination, but may submit a classified annex to the appropriate committees of Congress as necessary.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

(2) the Committee on the Judiciary of the Senate; and

(3) the Committee on the Judiciary of the House of Representatives.

SEC. 19. FOUR-YEAR EXTENSION OF FISA AMENDMENTS ACT OF 2008.

(a) EXTENSION.—Section 403(b) of the FISA Amendments Act of 2008 (Public Law 110–261) is amended—

(1) in paragraph (1) (50 U.S.C. 1881–1881g note), by striking ''December 31, 2017'' and inserting ''September 30, 2021''; and

(2) in paragraph (2) (18 U.S.C. 2511 note), in the material preceding subparagraph (A), by striking ''December 31, 2017'' and inserting ''September 30, 2021''.

(b) CONFORMING AMENDMENT.—The heading of section 404(b)(1) of the FISA Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1801 note) is amended by striking ''DECEMBER 31, 2017'' and inserting ''SEPTEMBER 30, 2021''.

The SPEAKER pro tempore. Pursuant to House Resolution 682, the gentleman from Michigan (Mr. AMASH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. Speaker, my amendment replaces the underlying bill with the USA RIGHTS Act. Like the base bill, under the USA RIGHTS Act, the government can still use section 702 for its purpose of surveilling foreigners overseas; and the government can continue to store, share, and access that data to investigate national security threats.

The key difference is, in USA RIGHTS, it has to do with the collection and use of innocent Americans' data, not foreign intelligence. This means the amendment cannot harm section 702 programs if, as the government says, they are designed solely for foreign intelligence rather than domestic surveillance on Americans.

We all want the intelligence community to be able to do its job, and I have offered the USA RIGHTS amendment to give them the tools to collect foreign intelligence while also protecting the Fourth Amendment.

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

Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 10 minutes.

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

This amendment, plain and simple, would disable 702, our most important national security tool. If passed, any chance of reform through the underlying bill is dead on arrival in the United States Senate. We cannot risk 702 collection ending.

This Chamber cannot be complicit in allowing terrorists to fly under the radar if this amendment kills 702, and I sincerely urge you to oppose the Amash amendment and not lose the opportunity to successfully balance national security and civil liberties, which is what the underlying bill does.

We definitely need to have a move toward more protection of our Fourth Amendment rights, and a warrant requirement in domestic criminal cases and a requirement that if you are doing a national security investigation and you find that the information is useful in a criminal case and it is precluded from court are two major improvements to our 702 law that protect Americans' civil liberties.

This bill must be passed. It is absolutely essential for our protection. It surveys people outside of the United States who are not United States citizens. The fact that it collects incidental information about U.S. citizens should not be a prohibition on this effort. But if you apply this amendment, you are not going to be able to have our national intelligence officials looking at this information carefully, and they are going to have to, in many instances, get a warrant when they need to act because they think it is a national security concern. A warrant either will be unattainable or it will be in a circumstance where it is too late, and, in both instances, we cannot allow that.

This bill provides balance. That bill goes too far. The amendment goes too far. I urge my colleagues to oppose it.

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

Mr. AMASH. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, it is important that we pass this amendment. The government conducts 702 searches and broadly defines foreign intelligence investigations that may have no nexus to national security, and we are using this database for just criminal investigations that are domestic.

When you say ''incidental collection,'' it sounds like it is not much. Well, the fact is it is a huge amount of data in its content. What this amendment says is: if you are going to search for the information of an American who has been collected in that database and it is not terrorism but domestic criminal investigation, get a warrant. Get a warrant. That is what the Fourth Amendment requires.

Now, I took exception to the comment that 702 would go dark. We know that this existing FISA order goes through April, so the 702 program is not going dark. We have time to do this right. We have time to make sure that the Fourth Amendment is adhered to in the reauthorization of 702. Put the ''foreign'' back in the FISA bill.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. STEWART).

Mr. STEWART. Mr. Speaker, before I begin, I want to emphasize how dismayed I am by the amount of disinformation being propagated by opponents of section 702. I have heard some things over the last couple of days, and I just wonder, how in the world can someone believe that.

Let me tell you why this amendment must be opposed. Under the USA RIGHTS Act, the intelligence community would not be able to query the name of the suspected terrorist supporter in the United States to see if he is in contact with terrorist recruiters. It would not be able to query the name of a person in the United States who has been suspiciously approaching U.S. Government employees with security clearances to determine if that person is part of a foreign espionage network.

We would not be able to query the name of a registered owner of a suspicious vehicle parked in front of the Washington Monument to see if that person is in contact with terrorist operatives overseas. We would not be able to query the name of a person in the aftermath of a mass casualty attack on the United States to see if he has terrorist connections, or as a follow on, if potential follow-on attacks are imminent.

We would not be able to query the name of a foreign national who travels to the United States to take flight training but doesn't care about learning how to land.

Individuals in this room who want to end section 702 know that they have an opportunity to do with their vote, but they would be putting troops and American lives at risk. And if that is okay with you, then go ahead and vote for the USA RIGHTS Act amendment, but I promise you, you will regret it when, some day, in this dangerous world we live in, we have to answer to our constituents for our votes here today.

Mr. AMASH. Mr. Speaker, my amendment protects the rights of Americans consistent with the Constitution.

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

□ 1030

Mr. POE of Texas. Mr. Speaker, we are not talking about terrorism. We are talking about the protection of Americans and their information. All of the rhetoric and the fear tactics that this will destroy our ability to go after terrorists is wrong.

The USA RIGHTS Act is important to protect Americans. The other side talks about protecting Americans. Let's protect their Fourth Amendment rights. We can protect them against terrorists if we amend this legislation with the USA RIGHTS Act and protect their rights under the Fourth Amendment.

Every American's data is being seized by the Justice Department, the CIA, and the NSA. We have asked them how many times that has been queried. They will not tell us because the information is massive.

All we are saying under the USA RIGHTS Act is that, if you want to go into that information on Americans, get a warrant from a judge, not a query. You can't go search it. Get a warrant under the Fourth Amendment or stay out of that information and still go after terrorists under 702 and under FISA.

We need to have this amendment to make the bill better to protect Americans overseas and at home.

And that is just the way it is.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

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

Mr. Speaker, I rise in opposition to the amendment. I respect and share the sponsor's commitment to privacy and civil liberties, but this amendment would go vastly beyond the legislation advanced by either the Intelligence Committee or the Judiciary Committee. It would prevent the intelligence community from querying lawfully collected 702 information, even in situations directly related to counterterrorism and national security. It would make section 702 a far less effective tool at a significant cost to the national security of the United States.

The amendment would require a probable cause warrant or its equivalent before the government can query lawfully collected 702 data in an effort to find communications concerning someone who may be a U.S. person or a foreign person located in the United States even when such person is communicating with foreign terrorists or intelligence targets.

Probable cause will be lacking in many, if not most, intelligence and counterterrorism contexts. In such situations, the USA RIGHTS Act would prevent the government from detecting and disrupting plots against Americans or identifying and preventing foreign espionage on our soil.

It would also require publication of information related to 702 certifications that would disclose the sources and methods of intelligence gathering, imperilling our ability to obtain foreign intelligence information. That, to me, poses an intolerably high risk.

Instead, the underlying bill strikes a far better compromise. In the underlying bill, a warrant would be required in most nonnational security and nonterrorism cases when there is an open investigation. In the absence of such a warrant, the bill provides that evidence that would be obtained would be excluded from use in court.

That seems, to me, a very sensible balance: requiring a warrant in most nonnational security and nonterrorism cases and providing, in the absence of such a warrant in an open investigation, that information or evidence would be barred from use in court.

That addresses the gravamen of the concern over this program that it could be used for fishing expeditions against ordinary Americans. This amendment, on the other hand, would largely cripple the program. Mr. Speaker, for that reason, I urge opposition to the amendment and support for the underlying bill.

Mr. AMASH. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, any responsible effort to authorize section 702 must pass three tests:

It must include a meaningful warrant requirement;

It must end the ''abouts'' collection until Congress says otherwise; and

It must not restrict the government's ability to collect intelligence on valid targets operating outside of the United States.

The underlying bill does not include a meaningful warrant requirement, and it does not end ''abouts'' collection.

The Amash-Lofgren amendment, on the other hand, passes all three tests:

It includes a warrant agreement that comports with the Fourth Amendment;

It puts an end to ''abouts'' collection; and

It leaves the core functionality of section 702 perfectly intact. It would be harder to use this authority to spy on United States citizens, but the government's ability to gather intelligence on suspected terrorists and others overseas will not be affected.

Mr. Speaker, I urge my colleagues to adopt this amendment and make a meaningful change to section 702.

Mr. Speaker, I thank the many sponsors of this amendment for their leadership in this important fight.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise in opposition to the amendment being offered and in support of the underlying bill and the increased oversight in transparency it provides to the body of the intelligence community and the American public that it protects.

I thank the ranking member and also Chairman GOODLATTE for allowing me to have this time.

Mr. Speaker, I want Americans at home to know what this program is not. It is not a dragnet surveillance program; it is not a program that could ever be used to target Americans; and it is not an unchecked intelligence tool. In fact, it may be one of the most heavily overseen programs that we have. This bill strengthens that accountability.

As former ranking member of the Intelligence Committee and Representative of the district that is home to NSA, I have taken many of my colleagues in this Chamber on trips to NSA so that they can see firsthand how these programs work to protect Americans and also to protect our freedom and civil liberties.

This is not a debate on constitutionality. The Federal courts have affirmed that this program's current authorization and operation are legal and consistent with the Fourth Amendment. This body has voted several times with bipartisan majorities to reauthorize it.

Mr. AMASH. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. TED LIEU).

Mr. TED LIEU of California. Mr. Speaker, let me make this issue really simple for the American people: spying on foreigners without following the Constitution, that is okay; spying on Americans without following the Constitution, that is not okay.

The Fourth Amendment does not have an asterisk that says our intelligence agencies don't have to follow it. The Constitution applies to all of government. That is why I support the USA RIGHTS Act.

Support this amendment.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise to oppose this amendment—I think it is in the wrong direction—and to support the underlying bill.

The bill, I think, strikes a balance. Americans cherish and strongly want us to protect their privacy. We all agree on that, and I think this bill threads the needle. The underlying bill protects our Fourth Amendment through the FISA process through this improved effort.

We know we live in a dangerous world. Terrorism is a constant threat that we all clearly understand. When we take our oath of office, we swear to protect and defend our Nation from all enemies, foreign and domestic. I believe this underlying bill does that with increased transparency.

Clearly, it is not perfect. We never vote on any perfect legislation. But this is an improved piece of legislation. The amendment is an overreach in the wrong direction.

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

Mr. AMASH. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, when James Madison wrote the Constitution and the Bill of Rights, one of his overriding concerns was to prevent any branch of the three in government from becoming too powerful. That is why he put the checks and balances in the Constitution, so that the other branches could oversee and make sure that a branch that was trying to push the edge of the envelope would not be able to succeed in that.

The warrant amendment that has been talked about quite a bit today during the debate really is not effective. It is nothing at all. It ends up putting James Madison's legacy into the trash bin of history, and it does not deserve to go there.

Yesterday, The Washington Post reported that FBI officials told aides of Mr. NADLER that, under the proposed bill—meaning the underlying bill—they anticipate rarely, if ever, needing permission from the FISC to review query results. So this warrant requirement of the supporters of the bill and the opponents of the amendment basically doesn't mean anything at all because the FBI told Mr. NADLER's aides that that was the case.

Now, we have a debate here today on whether to put the F back into the Foreign Intelligence Surveillance Act. The F means ''foreign.'' That is why

the amendment should be adopted, or, if it fails, then the underlying bill should be defeated.

This is a time to stand up for the oath of office that every one of us took a year ago to protect and defend the Constitution of the United States against all enemies, foreign and domestic. The only way we can do that today is by supporting the Amash amendment and defeating the underlying bill.

Mr. AMASH. Mr. Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Michigan has 3¾ minutes remaining. The gentleman from Virginia has 2½ minutes remaining.

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

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. WENSTRUP).

Mr. WENSTRUP. Mr. Speaker, I oppose the amendment and support the underlying bill.

I served a year in Iraq, and every day we got foreign intelligence information to us. Why? Because it helped us prepare. It helped us plan. It helped us deter. It helped us save American lives—not only the lives of our troops in theater, but the lives of people at home.

I am all in favor of protecting American citizens and their privacy; do not get me wrong. I hope that, in the information we collected in theater, there were no Americans involved.

But guess what this amendment will do. It will virtually guarantee that terrorists are going to make sure that they have an American, complicit or otherwise, involved with every one of their communications, email, or through a phone call. Why? Because that protects them. That will protect terrorists.

That is what this amendment would do. That is why I oppose the amendment and stand in favor of the underlying bill.

Mr. AMASH. Mr. Speaker, my amendment protects the rights of Americans consistent with the Constitution.

Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Mr. Speaker, I rise in support of the Amash amendment and in strong opposition to the underlying bill.

As a former Army ranger, I know the importance of section 702 in defeating the enemies of our country. The foreign enemies of our country are not subject to the protections of our Constitution; American citizens, however, are.

The supporters of the underlying bill would have you believe that the only way to secure America is by ignoring the Fourth Amendment, and I strongly disagree. It is the data of American citizens that is at subject here. The Fourth Amendment does not change when communications shift from the Postal Service, also in the hands of the government, to a database. It should be protected by the Fourth Amendment.

Mr. Speaker, I strongly urge support of the Amash amendment.

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

Mr. AMASH. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, Congress has sometimes made the difficult job of the intelligence community harder by not providing adequate controls and oversight. We have created a vast Department of Homeland Security, a vast security sprawling intelligence network that results in the collection of data that my friend, Mr. POE, talked about. Yes, warrants can sometimes be inconvenient, but we have judged it as a small price to pay to protect Americans from government overreach.

Mr. Speaker, I strongly support this amendment.

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

Mr. AMASH. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania (Mr. PERRY).

Mr. PERRY. Mr. Speaker, servicemembers in the combat zone depend on 702 to keep them safe. 702 must continue to gather information on foreign terrorists to keep us and servicemembers safe. However, Americans in uniform serve to preserve an ideal that the Constitution protects the rights of Americans.

The bill, unamended, enshrines in law the abuse of the Fourth Amendment rights of American citizens, and it just cannot happen. This is not only about criminal prosecution but about political persecution.

Mr. Speaker, that abuse and the associated persecution is unfolding on the front pages and on TV right before us today. Don't lower the bar any further. Vote to preserve the rights of American citizens. Vote for this amendment.

□ 1045

Mr. AMASH. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 1¾ minutes remaining.

Mr. AMASH. Mr. Speaker, I yield 15 seconds to the gentleman from Virginia (Mr. GARRETT).

Mr. GARRETT. Mr. Speaker, I thank the patron of this amendment for yielding.

Mr. Speaker, we have covered many things in the past year, to include tax policy, healthcare, helping eviscerate ISIS, but I would argue this is the most important moment in the time that I have been in this building.

Not only is the Fourth Amendment at stake, so, too, I would argue, are due process under the Fifth and Fourteenth.

We must stand strong for individual liberty and privacy. That is who we are as a nation. If we do not put the ''F'' back in FISA, it becomes ISA, and all eyes are on you.

Mr. AMASH. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, this body cannot be afraid of the Constitution. It has been our guiding moral force for this Nation for all of our beginnings and our nows.

This amendment is truly an amendment that will protect and provide for the FBI to do its work and to protect our men and women around the world who are wearing the uniform unselfishly. But let me be very clear: all this amendment does, frankly, is provide a roadmap for the FBI to utilize when it is surveying and it is using the private data of Americans. All the amendment does is ask the FBI and the Attorney General, where there is probable cause, that such communication provide evidence of a crime; and, as well, if there is a foreign power or foreign agent, to be able to utilize a warrant, and that is the protection of the Fourth Amendment.

Uphold the Constitution. Vote for the Amash-Lofgren amendment and let's move forward on this legislation.

Mr. AMASH. Mr. Speaker, may I inquire as to whether the gentleman has additional speakers?

Mr. GOODLATTE. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 1½ minutes remaining. The gentleman from Michigan has 1 minute remaining.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let me pose a hypothetical about the Amash amendment. In the criminal world, if an FBI agent is told through a tip that someone has just purchased unusual amounts of fertilizer that could be used to make a bomb, the Amash amendment would prevent that FBI agent from looking at the FBI's databases to determine if the suspicious individual's email address or other identifier—not the content of the email, just the email address or identifier—is located in the 702 database.

What would the American people say if we hamper our law enforcement from protecting them? What would people of this country say if we had another Murrah Building blow up and the FBI couldn't look at even an email address?

Mr. Speaker, I urge my colleagues to vote against this amendment.

Mr. AMASH. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 1 minute remaining. The gentleman from Virginia has 1 minute remaining.

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

Mr. Speaker, the underlying bill and the USA RIGHTS amendment present a stark choice.

The underlying bill allows the government to warrantlessly collect an astounding volume of Americans' communications, makes no material reforms to the collection and use of that data against Americans, and explicitly allows even more surveillance than the law currently permits.

In contrast, USA RIGHTS allows the government to conduct broad foreign surveillance and share intelligence throughout the relevant agencies, but it also adds protections to prevent the erosion of Americans' Fourth Amendment rights.

These are two very different options, Mr. Speaker, but for all of us who care about civil liberties, who believe the United States can protect itself without retiring the Fourth Amendment, and who believe Congress has an independent obligation to protect the Constitution, the choice is clear: support the USA RIGHTS amendment.

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

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN), the Speaker of the House.

Mr. RYAN of Wisconsin. Mr. Speaker, first, I just want to say to all my colleagues that I respect the passionate views that are on display here. I think this has been a very passionate and interesting debate. What I would like to do is try and bring a little clarity to this debate.

I want to thank the minority leader for coming up and speaking against the Amash amendment and in favor of the underlying bipartisan amendment.

We, on a bipartisan basis, have been working with the Senate and the White House to get this right, to add even more privacy protections to the law, even more than the status quo, to add the warrant requirement that this underlying bill has.

Let me try and clear up some of the confusion. There has been wide reporting and discussion here in the House about parts of the FISA statute that affect citizens. It is a big law. It is a big statute with lots of pieces. Title I of the FISA law is what you see in the news that applies to U.S. citizens. That is not what we are talking about here. This is Title VII, section 702.

This is about foreign terrorists on foreign soil. That is what this is about. So let's clear up some of the confusion here. Let me give you two examples of what this program has done to keep our people safe, two declassified examples.

Number one, this program, in March of 2016, gave us the intelligence we needed to go after and kill ISIS' finance minister, because of the intelligence collected under this program, a foreign terrorist on foreign soil, the number two man at ISIS who was in line to become the next leader. This program helped us get the information to stop him.

I came here before 9/11. I remember hearing upon hearing in the 9/11 Commission about the old firewall. We were seeing what was going on overseas, terrorists like Osama bin Laden in Afghanistan were doing all these things, and we couldn't pass that information on to our authorities here in America. We had this firewall that prevented us from connecting the dots. That was the big phrase we used back then in the early 2000s.

If we pass the Amash amendment, we bring that firewall right back up. You pass the Amash amendment and defeat this underlying bill, we go back to those days where we are flying blind on protecting our country from terrorism.

Let me give Members an example. This program has not only stopped many attacks, but let me tell you about one: a plot in 2009 to blow up New York's subway system. This was used to understand what people were planning overseas and what they were trying to do here in America so that we could connect the dots and stop that particular terrorist attack.

That is why this has to be renewed. That is why, among many other reasons, section 702, a program designed to go after foreign terrorists on foreign soil, is so essential. If this Amash amendment passes, it kills the program.

If this underlying bill fails, there is one of two things that will happen. The status quo will be continued, meaning no additional privacy protections, no warrant requirement—status quo. That doesn't do anything to advance the concerns that have been voiced on the floor or, even worse, we go dark; 702 goes down. We don't know what the terrorists are up to. We can't send that information to our authorities to prevent terrorist attacks. The consequences are really high.

One of the most important things we are placed in charge to do is to make decisions, not based on TV, not based on internet, but based on facts, based on reality, and we are supposed to make those decisions to keep our country safe.

This strikes the balance that we must have between honoring and protecting privacy rights of U.S. citizens, honoring civil liberties, and making sure that we have the tools we need in this day and age of 21st century terrorism to keep our people safe. That is what this does. That is why I ask everyone, on a bipartisan basis, to vote ''no'' on the Amash amendment and to vote ''yes'' on the underlying bill.

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from Michigan (Mr. AMASH).

The question is on the amendment by the gentleman from Michigan (Mr. AMASH).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of the amendment will be followed by 5-minute votes on:

A motion to commit, if ordered;

Passage of the bill, if ordered; and

The motion to suspend the rules and pass H.R. 4578.

The vote was taken by electronic device, and there were—yeas 183, nays 233, not voting 16, as follows:

[Roll No. 14]

YEAS—183

Amash
Barragán
Barton
Bass
Beatty
Beyer
Biggs
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brat
Brooks (AL)
Budd
Burgess
Butterfield
Capuano
Carson (IN)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Comer
Connolly
Correa
Courtney
Crist
Crowley
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
DeLauro
DelBene
DesJarlais
Deutch
Dingell
Doggett
Doyle, Michael F.
Duncan (SC)
Duncan (TN)
Ellison
Emmer
Engel
Eshoo
Espaillat
Evans
Farenthold
Foster
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gianforte
Gohmert
Gomez
Gonzalez (TX)
Gosar
Graves (LA)
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Harris
Hastings
Herrera Beutler
Hice, Jody B.
Issa
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson, E. B.
Jones
Jordan
Keating
Kelly (IL)
Kelly (MS)
Kennedy
Khanna
Kihuen
Kildee
Krishnamoorthi
Labrador
Lamborn
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lofgren
Loudermilk
Lowenthal
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Massie
Mast
Matsui
McClintock
McCollum
McGovern
McMorris Rodgers
Meadows
Meeks
Meng
Mooney (WV)
Moore
Moulton
Nadler
Napolitano
Neal
Norman
O'Rourke
Pallone
Payne
Pearce
Perlmutter
Perry
Pingree
Pocan
Poe (TX)
Polis
Posey
Price (NC)
Raskin
Richmond
Rohrabacher
Rokita
Roybal-Allard
Ryan (OH)
Sánchez
Sanford
Sarbanes
Schakowsky
Schrader
Schweikert
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Shea-Porter
Sherman
Slaughter
Smith (WA)
Soto
Speier
Takano
Thompson (MS)
Titus
Tonko
Tsongas
Vargas
Veasey
Vela
Velázquez
Walz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wittman
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Zeldin

NAYS—233

Abraham
Aderholt
Aguilar
Allen
Amodei
Arrington
Bacon
Banks (IN)
Barletta
Barr
Bera
Bergman
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blunt Rochester
Bost
Brady (TX)
Bridenstine
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Bustos
Byrne
Calvert
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)

Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Curtis
Delaney
Demings
Denham
Dent
DeSantis
Diaz-Balart
Donovan
Duffy
Dunn
Estes (KS)
Esty (CT)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frankel (FL)
Frelinghuysen
Gaetz
Gallagher
Gibbs
Goodlatte
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (MO)
Grothman
Guthrie
Handel
Harper
Hartzler
Heck
Hensarling
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huizenga
Hultgren
Hunter
Hurd
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Joyce (OH)
Kaptur
Katko
Kelly (PA)
Kilmer
King (IA)
King (NY)
Kinzinger
Knight
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lance
Langevin
Latta
Lawson (FL)
Lipinski
LoBiondo
Loebsack
Long
Love
Lowey
Lucas
Luetkemeyer
MacArthur
Maloney, Sean
Marchant
Marino
Marshall
McCarthy
McCaul
McEachin
McKinley
McSally
Meehan
Messer
Mitchell
Moolenaar
Mullin
Murphy (FL)
Newhouse
Noem
Norcross
Nunes
O'Halleran
Olson
Palazzo
Palmer
Panetta
Paulsen
Pelosi
Peters
Peterson
Pittenger
Poliquin
Quigley
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruiz
Ruppersberger
Russell
Rutherford
Ryan (WI)
Schiff
Schneider
Scott, Austin
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozzi
Swalwell (CA)
Taylor
Tenney
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman Schultz
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Young (IA)

NOT VOTING—16

Adams
Babin
Carbajal
Cárdenas
Cummings
DeSaulnier
Hanabusa
Huffman
Kind
McHenry
McNerney
Nolan
Pascrell
Rush
Scalise
Wilson (FL)

□ 1116

Ms. SINEMA, Messrs. THOMPSON of California, FRELINGHUYSEN, MARCHANT, and Ms. WASSERMAN SCHULTZ changed their vote from ''yea'' to ''nay.''

Mr. WALZ, Ms. CLARKE of New York, Messrs. O'ROURKE, WELCH, and MEEKS changed their vote from ''nay'' to ''yea.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

MOTION TO COMMIT

Mr. HIMES. Mr. Speaker, I have a motion to commit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HIMES. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Himes moves to commit S. 139 to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith, with the following amendment:

Page 4, line 3, strike ''predicated''.

Page 4, line 4, strike ''opened''.

Page 6, line 21, insert ''or'' after the semicolon.

Page 7, line 5, strike ''; or'' and all that follows through line 12 and insert a period.

Page 42, strike lines 15 through 19 (and redesignate the subsequent paragraphs accordingly).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut is recognized for 5 minutes in support of his motion.

Mr. HIMES. Mr. Speaker, members of the Intelligence Committee, on which few of us have an opportunity to serve, lead very odd lives. Every single day, we descend in the bowels of this Capitol, four floors down. We surrender our iPhones, we surrender our BlackBerrys, and we go into windowless rooms where, on a daily basis, we hear about some of the most grotesque threats to American safety and interests that you can imagine: threats to American lives, threats to American interests, and threats to our very way of life.

We see, every day, how essential 702 authorities are. The intelligence that we gather under this authority is critical to our safety, our security, and our lives. It saves lives. This program cannot be interrupted, and, if it is, God forbid, we will have much to answer for.

Even if this motion fails, the base bill, to those of you with substantial civil liberties concerns—and I count myself amongst you—the base bill makes important and meaningful civil liberties improvements over the status quo.

I deeply appreciate the efforts of many in this Chamber that oppose this bill, the efforts that they have made. Each and every one of us swears an oath to protect and defend the Constitution, and no one should ever be criticized for working hard to make sure that that process is served; not Mr. NADLER, not Ms. LOFGREN, not Mr. AMASH, not Mr. POE.

Mr. Speaker, I have spent much of the last several days trying to improve this bill with respect to civil liberties. I presented amendments to the Rules Committee which were, sadly, not made in order.

But the fact is that these protections exist. There are strict processes and procedures in place at the FBI as to how exactly U.S.-person information can be queried and used. On top of that, the entire 702 program is reviewed by the Foreign Intelligence Surveillance Court, the PCLOB, and is subject to meaningful congressional oversight by each and every one of us.

To authorize this program each year, a Federal judge must find it has met all statutory requirements and is consistent with the Fourth Amendment. Mr. Speaker, three district courts and the Ninth Circuit Court of Appeals have deemed this program constitutional.

But, Mr. Speaker, no bill is perfect, and so the motion I offer would encompass all FBI matters—not just predicated investigations, but all FBI matters not related to national security—and require court orders founded on probable cause before the FBI could access U.S.-person information under 702.

Mr. Speaker, this is a critical national security asset. It is as important as our best operator, as our best technology, as our most powerful weapons, and I appreciate the efforts that have been made to secure our civil liberties. This motion to commit pushes this bill slightly in that direction, building on the meaningful improvements to the status quo, and I urge its passage.

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

Mr. NUNES. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. NUNES. Mr. Speaker, I will just be really brief today. I want to thank all of my colleagues. There are a lot of strong opinions on both sides of the aisle on this issue, and we have taken many steps at the House Intelligence Committee to take Members out to the agencies that are doing this work.

We have offered time for Members to come down to the SCIF to read all of the information because, at the end of the day, we all take the American people's constitutional liberties seriously. I think the robust debate that has occurred in this House over the last year on this issue, through many markups, through many committees, and then even today on the floor here in the House of Representatives, has been a tough fight because it is a tough issue.

But in closing, this really is a compromise. We worked with the House Judiciary Committee for many months. I can't thank Chairman GOODLATTE enough for all of his very difficult work in trying to find a compromise. At the same time, the House Intelligence Committee, we have worked to come to a compromise with the Democrats on the other side of the aisle.

So with all of that said, this is one of those days, if we get this bill passed, I think we can walk out of here proud that we all stood our ground for stances that we really believe in, but, at the end of the day, the House is going to work its will in a bipartisan manner.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

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

RECORDED VOTE

Mr. HIMES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 227, not voting 15, as follows:

[Roll No. 15]

AYES—189

Aguilar
Amash
Barragán
Barton
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Deutch
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gohmert
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Massie
Matsui
McCollum
McEachin
McGovern
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOES—227

Abraham
Aderholt
Allen
Amodei
Arrington
Bacon
Banks (IN)
Barletta
Barr
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Gianforte
Gibbs
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McClintock
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—15

Adams
Babin
Carbajal
Cummings
DeSaulnier
Garrett
Griffith
Hanabusa
Kind
McHenry
McNerney
Nolan
Payne
Scalise
Wilson (FL)

□ 1132

Messrs. RUSH, GOTTHEIMER, and GONZALEZ of Texas changed their vote from ''no'' to ''aye.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 164, not voting 12, as follows:

[Roll No. 16]

YEAS—256

Abraham
Aderholt
Aguilar
Allen
Amodei
Arrington
Bacon
Banks (IN)
Barletta
Barr
Barton
Bera
Bergman
Bilirakis
Bishop (GA)
Bishop (MI)
Blunt Rochester
Bost
Boyle, Brendan F.
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Bucshon
Bustos
Byrne
Calvert
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Chabot
Cheney
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crist
Cuellar
Culberson
Curbelo (FL)
Curtis
Davis, Rodney
Delaney
Demings
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Donovan
Dunn
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Gaetz
Gallagher
Garamendi
Gianforte
Gibbs
Goodlatte
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (MO)
Grothman
Guthrie
Handel
Harper
Hartzler
Hensarling
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Joyce (OH)
Katko
Keating
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Langevin
Latta
Lawson (FL)
Lipinski
LoBiondo
Loebsack
Long
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham, M.
MacArthur
Maloney, Sean
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McEachin
McKinley
McMorris Rodgers
McSally
Meehan
Meeks
Messer
Mitchell
Moolenaar
Moulton
Mullin
Murphy (FL)
Newhouse
Noem
Norcross
Nunes
O'Halleran
Olson
Palazzo
Palmer
Panetta
Paulsen
Pelosi
Perlmutter
Peters
Peterson
Pittenger
Poliquin
Posey
Quigley
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Roby
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruiz
Ruppersberger
Russell
Rutherford
Ryan (WI)
Schiff
Schneider
Schweikert
Scott, Austin
Scott, David
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozzi
Swalwell (CA)
Taylor
Tenney
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Veasey
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman Schultz
Wenstrup
Westerman
Wilson (SC)
Wittman
Womack
Woodall
Young (AK)
Young (IA)
Zeldin

NAYS—164

Amash
Barragán
Bass
Beatty
Beyer
Biggs
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Brady (PA)
Brat
Buck
Budd
Burgess
Butterfield
Capuano
Cárdenas
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly
Correa
Courtney
Crowley
Davidson
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Dingell
Doggett
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Emmer
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Farenthold
Fudge
Gabbard
Gallego
Garrett
Gohmert
Gomez
Gonzalez (TX)
Gosar
Graves (LA)
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Harris
Hastings
Heck
Herrera Beutler
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Jordan
Kaptur
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Labrador
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lofgren
Loudermilk
Lowenthal
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Massie
Matsui
McClintock
McCollum
McGovern
Meadows
Meng
Mooney (WV)
Moore
Nadler
Napolitano
Neal
Norman
O'Rourke
Pallone
Pascrell
Payne
Pearce
Perry
Pingree
Pocan
Poe (TX)
Polis
Price (NC)
Raskin
Richmond
Roe (TN)
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sánchez
Sanford
Sarbanes
Schakowsky
Schrader
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sherman
Smith (WA)
Soto
Speier
Takano
Thompson (MS)
Titus
Tonko
Tsongas
Vargas
Vela
Velázquez
Visclosky
Walz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Williams
Yarmuth
Yoder
Yoho

NOT VOTING—12

Adams
Babin
Carbajal
Cummings
DeSaulnier
Hanabusa
Kind
McHenry
McNerney
Nolan
Scalise
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1139

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COUNTER TERRORIST NETWORK ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4578) to authorize certain counter terrorist networks activities of U.S. Customs and Border Protection, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. ESTES) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 19, as follows:

[Roll No. 17]

YEAS—410

Abraham
Aguilar
Allen
Amodei
Arrington
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Capuano
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Espaillat
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Griffith
Grijalva
Guthrie
Gutiérrez
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Stivers
Suozzi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—2

Amash
Massie

NOT VOTING—19

Adams
Aderholt
Babin
Buchanan
Calvert
Carbajal
Cummings
DeSaulnier
Gonzalez (TX)
Green, Gene
Grothman
Hanabusa
Kind
McHenry
McNerney
Nolan
Rooney, Thomas J.
Scalise
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1145

So (two-thirds being in the affirmative) the rules were suspended and 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. Lasky, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 875. An act to require the Comptroller General of the United States to conduct a study and submit a report on filing requirements under the Universal Service Fund programs.