

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

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

And that's just the way it is.

NATIONAL MILITARY APPRECIATION MONTH

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

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

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

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

□ 0915

USA FREEDOM ACT

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

The Clerk read the title of the bill.

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

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

H.R. 3361

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

TITLE I—FISA BUSINESS RECORDS REFORMS

- Sec. 101. Additional requirements for call detail records.
- Sec. 102. Emergency authority.
- Sec. 103. Prohibition on bulk collection of tangible things.
- Sec. 104. Judicial review of minimization procedures for the production of tangible things.
- Sec. 105. Liability protection.
- Sec. 106. Compensation for assistance.
- Sec. 107. Definitions.
- Sec. 108. Inspector general reports on business records orders.
- Sec. 109. Effective date.
- Sec. 110. Rule of construction.

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

- Sec. 201. Prohibition on bulk collection.
- Sec. 202. Privacy procedures.

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

- Sec. 301. Minimization procedures.
- Sec. 302. Limits on use of unlawfully obtained information.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

- Sec. 401. Appointment of amicus curiae.
- Sec. 402. Declassification of decisions, orders, and opinions.

TITLE V—NATIONAL SECURITY LETTER REFORM

- Sec. 501. Prohibition on bulk collection.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

- Sec. 601. Additional reporting on orders requiring production of business records.
- Sec. 602. Business records compliance reports to Congress.
- Sec. 603. Annual reports by the Government on orders entered.
- Sec. 604. Public reporting by persons subject to FISA orders.
- Sec. 605. Reporting requirements for decisions of the Foreign Intelligence Surveillance Court.
- Sec. 606. Submission of reports under FISA.

TITLE VII—SUNSETS

- Sec. 701. Sunsets.

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

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

TITLE I—FISA BUSINESS RECORDS REFORMS

SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(vi) direct the Government to—

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

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

SEC. 102. EMERGENCY AUTHORITY.

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

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

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

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