
From: Keiser, Andy <Andy.Keiser@MAIL.HOUSE.GOV>
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Subject: House Intelligence Leadership Introduces Legislation to End NSA Bulk Telephone Metadata Program While Preserving Counterterrorism Capability



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Contact: Kelsey Knight
Kelsey.Knight@mail.house.gov (Rogers)
202-225-4121
Allison.Getty@mail.house.gov (Ruppersberger)
202-225-7690

House Intelligence Leadership Introduces Legislation to End NSA Bulk Telephone Metadata Program While Preserving Counterterrorism Capability

(Washington, DC) – Chairman Mike Rogers (R-MI) and Ranking Member C.A. Dutch Ruppersberger (D-MD) today introduced the FISA Transparency and Modernization Act of 2014. The bipartisan legislation ends bulk collection of metadata under the Foreign Intelligence Surveillance Act, including telephone, email, and internet metadata. The bill also codifies a ban on the bulk collection of bulk firearm sales records, library records, medical records, tax returns, educational records, and other sensitive personal records.

The bill's cosponsors include: Congressman Miller (R-FL), Congressman Conaway (R-TX), Congressman King (R-NY), Congressman LoBiondo (R-NJ), Congressman Nunes (R-CA), Congressman Westmoreland (R-GA), Congresswoman Bachmann (R-MN), Congressman Pompeo (R-KS), Congressman Thompson (D-CA), Congressman Langevin (D-RI), and Congresswoman Sewell (D-AL).

For the past several months, the Committee has been evaluating a number of ways to increase transparency and restore trust in critical national security programs. This proposal allows the government to obtain only the metadata it uses to safeguard the United States against terrorists and other foreign bad actors in a targeted, individualized way with robust judicial review.

- If the government has a reasonable and articulable suspicion that an individual phone number is associated with terrorism, the government could, under a program with significant court and congressional oversight, direct communication companies to query their records and provide the government with numbers connected with that suspect number. This capability could be used to detect early indicators of domestic terrorism.

The FISA Transparency and Modernization Act of 2014 requires judicial review every step of the way. The government would be required to seek court approval *before and after* obtaining metadata from communication companies.

- *Before* the government could direct a company to provide targeted metadata, the government must create, and the Foreign Intelligence Surveillance Court (FISC) must approve, selection procedures to ensure it only obtains metadata associated with legitimate terrorist and foreign intelligence targets.
- *After* the government directs a company to provide targeted metadata, the government must submit the evidence supporting its request to the FISC for judicial review. If the court disapproves, it can order the government to purge any metadata it received.

Additionally, this legislation prohibits the government from using this new targeted metadata procedure to obtain any communications content or any personally identifiable information, and it does not require that companies keep any records for any period longer than they normally would. Just as under the current program, the Government would **not** be able to use this new authority to listen to phone calls or read the content of emails.

Chairman Rogers said: “We look forward to working with our colleagues in the House and Senate to enact a bipartisan proposal that will ensure the highest levels of privacy and civil liberties while still maintaining the tools our government needs to keep us, and our allies, safe.”

Ranking Member Ruppersberger said: “Our bipartisan approach delivered a true victory for our country, as our proposal enhances transparency and privacy protections while maintaining the capability our Intelligence Community needs to protect our country.”

The men and women at NSA are working hard to protect our country and its citizens from terrorist attacks and there is no question that they are required to follow the law. Their service is appreciated. There are a number of other proposals in Congress to end bulk collection, but many would not maintain the capability our Intelligence Community needs to protect our country and our allies.

In the FISA Transparency and Modernization Act of 2014, there are additional provisions to enhance Americans’ understanding and trust in the government’s use of national security tools.

The bill also aims to strengthen oversight America’s intelligence collection efforts. A provision in the bill championed by Congressman Mike Thompson (D-CA) requires the FISC to keep Congress informed of any significant interpretation of a FISA court opinion.

A provision championed by Congressman Jim Langevin (D-RI) creates an independent privacy advocate that can be appointed to argue against the government’s position to guarantee that judges hear both sides of a case. “I am proud to cosponsor this bill, and I appreciate the Chairman and Ranking Member including my provisions to allow the Foreign Intelligence Surveillance Court (FISC) to appoint an independent privacy amicus with legal or technical expertise, to ensure there are independent checks on government surveillance within the FISC’s process.”

A provision championed by Congressman Terri Sewell (D-AL) requires a declassification review of every decision, order or opinion issued by the FISC that includes a significant construction or interpretation of the law. “This bill strikes a balance between protecting the NSA’s ability to collect critical data and increasing the transparency of our intelligence programs. Safeguarding the privacy of all Americans is paramount, as is ensuring that our intelligence community can continue to protect against terrorist threats directed against the American people,” said Rep. Sewell.

Congressman Lynn Westmoreland (R-GA) added: “This bipartisan proposal was drafted carefully and thoughtfully with the protection of civil liberties and privacy as a main priority. As a cosponsor, I believe this bill will help restore the trust of the American people while still safeguarding our nation from national security threats.”

Congressman Mike Pompeo (R-KS) said: “This legislation ensures that Americans’ civil rights are protected while keeping them safe from foreign threats. This good government reform brings transparency and accountability in a way that ensures that our intelligence agencies are working closely with Congress and the Courts to succeed in their mission.”

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