

Floor Statement – USA Freedom Act
May, 22, 2014

I would like to begin by thanking Chairman Goodlatte, Mr. Sensenbrenner, the other Judiciary Committee sponsors, and Leader Cantor for all of their hard work coming to a compromise with the Intelligence Committee that enacts meaningful change to FISA while preserving operational capabilities.

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

Following the criminal disclosures of intelligence information last June, the Section 215 telephone metadata program has been the subject of intense, and often inaccurate, criticism. The bulk telephone metadata program is legal, overseen, and effective at saving American lives. All three branches of government oversee this program, including Congress, inspectors general, and internal compliance and privacy and civil liberties offices in executive branch agencies.

Despite the effectiveness of the program, and the immense safeguards on the data, many Americans and many Members of this great body still have concerns about a potential for abuse. The legislation we are considering today is designed to address those concerns and reflects hundreds of hours of Member and staff work to negotiate a workable compromise.

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

[The bill bans bulk collection by introducing the requirement for a “specific selection term.” The ban on bulk collection, however, is not intended to limit acquisition of information through the traditional, targeted types of FISA or National Security Letters. These changes are intended to respond to concerns that these authorities could be used to permit a bulk data collection “loophole.”]

The legislation also creates a new mechanism for obtaining call detail records on a continuing basis for up to 180 days to protect against international terrorism. The legislation is not intended to affect any current uses of Section 501 outside of the bulk context, including for records related to foreign intelligence information not concerning a U.S. person and clandestine intelligence activities.

We also ensured that the language we are considering today permits a return of two hops to include with records identified by the government. Additionally, it is important that when records are produced

to the government they are produced in a form that will be useful—meaning that the government can set conditions on their production, including by determining the format and manner for production. This does not, however, mandate that companies change their business practices to store data in any particular form.]

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

I urge Members to support this legislation and I yield back.