

Second, the bill doesn't even address a part of the PATRIOT Act called Section 702 that covers data that crosses our borders. This section allows the government to sweep up the content of an American citizen's emails, instant messages and web browsing history just because they happen to be communicating with someone outside the U.S. In fact, the former NSA director General Keith Alexander admitted that the NSA specifically searches Section 702 data using "U.S. person identifiers." This so-called "back door search loophole" should have been closed in this bill because it violates the Fourth Amendment by getting around the warrant requirement. The notion that Americans' rights are contingent on the geography of where a call is directed is not consistent with the Constitution and highlights why this particular section needs to be changed.

Third, this bill does not require the government to destroy information obtained on Americans who are not connected to an investigation. The way this happens is the government stores the information it collected on a particular phone call, even if one of those individuals on the call is suspected of no wrongdoing. The Constitution I believe is rather clear in the principle that organizations like the NSA and the FBI should not be able to store information that is inadvertently collected on people who are not suspected of committing a crime, and at a very minimum the FREEDOM Act does not use this opportunity to shine a light on the problem.

Pericles, the Greek general of Athens, once said that "Freedom is the sure possession of those alone who have the courage to defend it." Ultimately, I believe this bill is another missed opportunity for Congress to address what the judiciary has now ruled to be the unconstitutional and unlawful actions of the Executive branch. It really matters the Second Circuit federal court in New York issued an opinion last week stating that the NSA has stretched the meaning of the text of the PATRIOT Act so that it no longer represents congressional intent and called the NSA's bulk data collection illegal. It really matters that this bill would codify actions of the NSA that were ruled to be outside the bounds of law. I think it also matters that the debate that is taking place is as old as civilization as there has always been a tension between security and freedom. And it really matters that historically those civilizations that have given up freedom in the interest of security have historically lost both. For all these reasons each one of us should care deeply about what happens next on bulk collections at the NSA—and the way this bill comes up short in protecting liberty's foundation, civil liberty.

Mr. THORNBERRY. Mr. Speaker, out of necessity to reauthorize the expiring intelligence gathering authorities, I reluctantly vote for H.R. 2048. A recent federal appeals court decision has increased our need to address these authorities. Unfortunately, their pending expiration is now forcing Congress to act hastily rather than take the necessary time to adequately analyze the court's decision and update the laws accordingly.

I recognize the distrust created by the Obama Administration's abuse of power, as well as the damage caused by recent intelligence leaks containing fragments, inaccuracies, and speculation. It is unfortunate that those actions will continue to make it more dif-

ficult to gather the information necessary to counter terrorism. It is even more alarming that this trend will inevitably make our country less safe.

Very few Americans will ever learn the full details of the considerable successes of the National Security Agency (NSA). But through the dedication and commitment of its men and women, the NSA has helped to keep our nation and its citizens safe. I remain confident in their professionalism as they strive to prevent future terrorist attacks and support our warfighters overseas.

I believe the first job of the federal government is to defend the country and protect our citizens within the framework of the Constitution, and I will continue to do all I can to contribute to that effort.

Mr. FARR. Mr. Speaker, tonight I must rise to voice my concerns with the USA Freedom Act. While I recognize the improvements this bill attempts to make with regard to mass surveillance and information gathering efforts, I simply cannot vote for this bill.

I was pleased to hear that the Second Circuit Court recently found metadata collection to be illegal and commend the bi-partisan work that resulted in a bill that attempts to adhere to the court's decision. I recognize that the USA Freedom Act includes positive changes such as tighter language dictating when the NSA can access a database of call records, new allowances that grant technology companies the right to disclose governmental inquiries to their users and increases penalties for people caught aiding in terrorist efforts.

Mr. Speaker, I am concerned that other provisions in the bill would continue to allow for large swaths of information gathering. Simply put, I cannot vote for a bill that does not protect the privacy enshrined in the Fourth Amendment and guaranteed to all Americans. The risk of faulty information collection is not a risk I am willing to take with any American's privacy. Upholding the U.S. Constitution is non-negotiable.

Mrs. CAPPS. Mr. Speaker, I would like to submit for the RECORD my strong support of H.R. 2048, the USA Freedom Act of 2015, which I am proud to cosponsor.

This bipartisan bill will go a long way to reign in the abusive bulk surveillance practices that have left many Americans concerned for their privacy protections.

Furthermore, this bill will establish additional civil liberty protections and increased transparency, accountability, and oversight for over our national security practices.

As a policymaker, I am proud to support legislation that will protect our values of privacy and civil liberties while also providing our national security officials with the targeted tools that they need to ensure the safety of all Americans.

This bill is also a testament to what we can accomplish when we come together to work in a bipartisan way to meet the needs of the American people.

I urge my colleagues to support H.R. 2048. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 255, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

#### CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO YEMEN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114-36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13611 of May 16, 2012, with respect to Yemen is to continue in effect beyond May 16, 2015.

The actions and policies of certain members of the Government of Yemen and others continue to threaten Yemen's peace, security, and stability, including by obstructing the implementation of the agreement of November 23, 2011, between the Government of Yemen and those in opposition to it, which provided for a peaceful transition of power that meets the legitimate demands and aspirations of the Yemeni people for change, and by obstructing the political process in Yemen. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13611 with respect to Yemen.

BARACK OBAMA.

THE WHITE HOUSE, May 13, 2015.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 255, I call up the bill (H.R. 36) to amend title 18, United States Code, to protect pain-capable unborn children, and for other