Chief does nothing to fix the problems in the Middle East.

I believe this resolution makes America less safe. It makes a mockery of years of dedicated counterterrorism efforts.

I urge my colleagues to vote ''no'' for the third time in 3 months on coddling Iranian terrorists.

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

Mr. MCCAUL. Madam Speaker, I yield myself the balance of my time.

I believe I have said about everything I can say on this issue, so I won't take up more time of Congress, other than to say we are not at war with Iran. If we were, I would be the first one to say Congress has a responsibility to act. If Soleimani was taken out in Iran, I would be the first to say we need an Authorization for Use of Military Force.

Congress does have the power to declare war under the Constitution, and many colleagues on my side of the aisle agree with that concept, but it is just not factually what is happening on the ground today in Iran. If that day happens, we are fully prepared to have this discussion. This is what I would call a premature argument to make.

And I would say, with respect to updating the 2001 and 2002 AUMFs, I have had several meetings with Members on both sides of the aisle, many of whom were not here when those were passed by Congress in 2001 and 2002, who also agree that we should be working to modernize these Authorizations for Use of Military Force.

I think there is that consensus, Madam Speaker, here today. I would encourage my colleagues on the other side of the aisle—and I know Chairman ENGEL is also supportive of working together—to try to modernize these Authorizations for Use of Military Force.

But that is not the situation on the ground today, and I cannot support this resolution simply for the fact it is based on a false premise. It will tie the hands of our Commander in Chief to respond in self-defense to Americans, our diplomats serving over there very bravely, and our American soldiers who are over there very bravely—it ties his hands to defend from an attack launched by Iran.

And lastly, I say, Mr. Soleimani was not a good man. He was an evil mastermind of terror. For two decades he killed Americans. He brought the Russians into Syria. They slaughtered tens of thousands of innocent people in Syria. He is responsible for so much blood on his hands.

I would close by saying—and I do think there is consensus on this issue, as well—that the world is indeed a better place without this mastermind of terror, the greatest mastermind since bin Laden was removed from the face of this Earth.

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

Mr. ENGEL. Madam Speaker, I yield myself the balance of my time.

I have said all along that this is not a partisan issue, and it isn't. Executive branch officials from both parties have tried to sideline Congress when it comes to war. It is time we said: ''Enough.'' It may be in the executive branch's interest to keep Congress out, but that doesn't make it legal or make it right.

Madam Speaker, no one in this body mourns Qasem Soleimani, certainly not me. No one doubts that he was a hardened terrorist with the blood of Americans and others on his hands. But that is not the issue before us today.

The issue is that the Trump administration decided to kill him without authorization from Congress, without any prior consultation with Congress, then misled the American people about why that was necessary. And then, when the administration's explanation couldn't withstand scrutiny, they tell us Congress had already authorized military action against Iran.

Madam Speaker, I think we would know if we had voted to authorize military action against Iran. Those aren't the kinds of votes you easily forget.

So, today, we will vote on this resolution and send it to the President's desk. And it carries with it a very clear, very important message: Congress has not authorized war, and Congress has not authorized war against Iran.

It is remarkable that we even need to say this, but as is often the case, up is down, down is up, laws don't matter, and Congress doesn't matter because the Constitution doesn't matter.

The SPEAKER pro tempore (Ms. JAYAPAL). The time of the gentleman has expired.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of S.J. Res. 68 is postponed.

□ 1515

USA FREEDOM REAUTHORIZATION ACT OF 2020

Mr. NADLER. Madam Speaker, pursuant to House Resolution 891, I call up the bill (H.R. 6172) to amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the production of certain business records, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. DEGETTE). Pursuant to House Resolution 891, the amendment printed in House Report 116–415 is adopted, and the bill, as amended, is considered read.

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

H.R. 6172

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 Reauthorization Act of 2020''.

(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—FISA BUSINESS RECORDS

SEC. 101. REPEAL OF AUTHORITY TO ACCESS ON AN ONGOING BASIS CALL DETAIL RECORDS.

(a) CALL DETAIL RECORDS.—

(1) REPEAL.—Subsection (b)(2) of section 501 (50 U.S.C. 1861) is amended—

(A) by striking subparagraph (C);

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''in the case of'' and all that follows through ''in subparagraph (C)),''; and

(ii) in clause (iii), by striking the semicolon at the end and inserting ''; and''; and

(C) by redesignating subparagraph (D) as subparagraph (C).

(2) PROHIBITION.—Section 501(a) (50 U.S.C. 1861) is amended by adding at the end the following new paragraph:

''(4) An application under paragraph (1) may not seek an order authorizing or requiring the production on an ongoing basis of call detail records.''.

(b) CONFORMING AMENDMENTS.—

(1) ORDERS.—Subsection (c) of section 501 (50 U.S.C. 1861) is amended—

(A) in paragraph (1), by striking ''with subsection (b)(2)(D)'' and inserting ''with subsection (b)(2)(C)''; and

(B) in paragraph (2), by striking subparagraph (F) and inserting the following:

''(F) in the case of an application for call detail records, shall direct the Government—

''(i) to 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) to destroy all call detail records produced under the order as prescribed by such procedures.'';

(2) COMPENSATION.—Subsection (j) of section 501 (50 U.S.C. 1861) is amended to read as follows:

''(j) COMPENSATION.—The Government shall compensate a person for reasonable expenses incurred for providing technical assistance to the Government under this section.''.

(3) DEFINITIONS.—Subsection (k)(4)(B) of section 501 (50 U.S.C. 1861) is amended by striking ''For purposes of an application submitted under subsection (b)(2)(C)'' and inserting ''In the case of an application for a call detail record''.

(4) OVERSIGHT.—Section 502(b) (50 U.S.C. 1862(b)) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively;

(5) ANNUAL REPORTS.—Section 603 (50 U.S.C. 1873) is amended—

(A) in subsection (b)—

(i) by transferring subparagraph (C) of paragraph (6) to the end of paragraph (5);

(ii) in paragraph (5)—

(I) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(II) in subparagraph (B), by striking the semicolon and inserting ''; and''; and

(III) in subparagraph (C), as transferred by clause (i) of this subparagraph, by striking ''any database of'';

(iii) by striking paragraph (6) (as amended by clause (i) of this subparagraph); and

(iv) by redesignating paragraph (7) as paragraph (6); and

(B) in subsection (d)—

(i) in paragraph (1), by striking ''any of paragraphs (3), (5), or (6)'' and inserting ''either of paragraph (3) or (5)''; and

(ii) in paragraph (2)(A), by striking ''Paragraphs (2)(B), (2)(C), and (6)(C)'' and inserting ''Paragraphs (2)(B) and (2)(C)''.

(6) PUBLIC REPORTING.—Section 604(a)(1)(F) (50 U.S.C. 1874(a)(1)(F)) is amended—

(A) in clause (i), by striking the semicolon and inserting ''; and'';

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii).

SEC. 102. PROTECTION OF CERTAIN INFORMATION.

(a) PROTECTION.—Subsection (a) of section 501 (50 U.S.C. 1861), as amended by section 101, is further amended by adding at the end the following new paragraph:

''(5)(A) An application under paragraph (1) may not seek an order authorizing or requiring the production of a tangible thing under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

''(B) An application under paragraph (1) may not seek an order authorizing or requiring the production of cell site location or global positioning system information.''.

(b) CLARIFICATION OF EMERGENCY AUTHORITY FOR CELL SITE LOCATION OR GLOBAL POSITIONING SYSTEM INFORMATION.—The Attorney General may treat the production of cell site location or global positioning system information as electronic surveillance rather than business records for purposes of authorizing the emergency production of such information pursuant to section 105(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)).

(c) CONFORMING AMENDMENT.—Subsection (a) of section 501 (50 U.S.C. 1861) is further amended by striking ''Subject to paragraph (3)'' and inserting ''Subject to paragraphs (3), (4), and (5)''.

SEC. 103. USE OF INFORMATION.

Section 501(h) (50 U.S.C. 1861(h)) 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 new paragraphs:

''(2) USE IN TRIALS, HEARINGS, OR OTHER PROCEEDINGS.—For purposes of subsections (b) through (h) of section 106—

''(A) information obtained or derived from the production of tangible things pursuant to an investigation conducted under this section shall be deemed to be information acquired from an electronic surveillance pursuant to title I, unless the court or other authority of the United States finds, in response to a motion from the Government, that providing notice to an aggrieved person would harm the national security of the United States; and

''(B) in carrying out subparagraph (A), a person shall be deemed to be an aggrieved person if—

''(i) the person is the target of such an investigation; and

''(ii) the activities or communications of the person are described in the tangible things that the Government intends to use or disclose in any trial, hearing, or other proceeding.''.

SEC. 104. LIMITATION ON RETENTION OF BUSINESS RECORD INFORMATION.

(a) REQUIREMENT.—Section 501(g) (50 U.S.C. 1861(g)) is amended—

(1) in paragraph (2), by striking ''In this section'' and inserting ''In accordance with paragraph (3), in this section'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) LIMITATION ON RETENTION.—The minimization procedures under paragraph (1) shall ensure that tangible things, and information therein, received under this section may not be retained in excess of 5 years, unless—

''(A) the tangible thing or information has been affirmatively determined, in whole or in part, to constitute foreign intelligence or counterintelligence or to be necessary to understand or assess foreign intelligence or counterintelligence;

''(B) the tangible thing or information is reasonably believed to constitute evidence of a crime and is retained by a law enforcement agency;

''(C) the tangible thing or information is enciphered or reasonably believed to have a secret meaning;

''(D) retention is necessary to protect against an imminent threat to human life;

''(E) retention is necessary for technical assurance or compliance purposes, including a court order or discovery obligation, in which case access to the tangible thing or information retained for technical assurance or compliance purposes shall be reported to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate on an annual basis; or

''(F) retention for a period in excess of 5 years is approved by the Director of the Federal Bureau of Investigation, based on a determination that retention is necessary to protect the national security of the United States, in which case the Director shall provide to such committees a written certification describing—

''(i) the reasons extended retention is necessary to protect the national security of the United States;

''(ii) the duration for which the Director is authorizing retention;

''(iii) generally the tangible things or information to be retained; and

''(iv) the measures the Director is taking to protect the privacy interests of United States persons or persons located inside the United States.''.

(b) OVERSIGHT.—Section 502(b) (50 U.S.C. 1862(b)) is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8)(E), by striking the period and inserting ''; and''; and

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

''(9) a description of each time that an exception to the 5-year limitation on the retention of information was made pursuant to any of subparagraphs (C) through (E) of subsection (g)(3) of section 501, including an explanation for each such exception.''.

SEC. 105. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act and shall apply with respect to applications made under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) on or after such date.

TITLE II—ACCURACY AND INTEGRITY OF FISA PROCESS

SEC. 201. CERTIFICATIONS REGARDING ACCURACY OF FISA APPLICATIONS.

(a) TITLE I.—Subsection (a) of section 104 (50 U.S.C. 1804) is amended—

(1) in paragraph (8), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

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

''(10) a certification by the applicant that, to the best knowledge of the applicant, the

attorney for the Government and the Department of Justice has been apprised of all information that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings required under section 105(a).''.

(b) TITLE III.—Subsection (a) of section 303 (50 U.S.C. 1823) is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

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

''(9) a certification by the applicant that, to the best knowledge of the applicant, the attorney for the Government and the Department of Justice has been apprised of all information that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings required under section 304(a).''.

(c) TITLE IV.—Subsection (c) of section 402 (50 U.S.C. 1842) is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) a certification by the applicant that, to the best knowledge of the applicant, the attorney for the Government and the Department of Justice has been apprised of all information that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings required under subsection (d).''.

(d) TITLE V.—Subsection (b)(2) of section 501 (50 U.S.C. 1861), as amended by section 101, is further amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) a statement by the applicant that, to the best knowledge of the applicant, the application fairly reflects all information that might reasonably—

''(i) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(ii) otherwise raise doubts with respect to the findings required under subsection (c).''.

(e) TITLE VII.—

(1) SECTION 703.—Subsection (b)(1) of section 703 (50 U.S.C. 1881b) is amended—

(A) in subparagraph (I), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (J), by striking the period at the end and inserting ''; and''; and

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

''(K) a certification by the applicant that, to the best knowledge of the applicant, the attorney for the Government and the Department of Justice has been apprised of all information that might reasonably—

''(i) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(ii) otherwise raise doubts with respect to the findings required under subsection (c).''.

(2) SECTION 704.—Subsection (b) of section 704 (50 U.S.C. 1881c) is amended—

(A) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

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

''(8) a certification by the applicant that, to the best knowledge of the applicant, the attorney for the Government and the Department of Justice has been apprised of all information that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings required under subsection (c).''.

(f) REVIEW OF CASE FILES TO ENSURE ACCURACY.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall promulgate rules governing the review of case files, as appropriate, to ensure that applications to the Foreign Intelligence Surveillance Court under titles I or III of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that target United States persons are accurate and complete.

SEC. 202. DESCRIPTION OF TECHNIQUES CARRIED OUT BEFORE TARGETING UNITED STATES PERSON.

(a) TITLE I.—Section 104(a)(6) (50 U.S.C. 1804(a)(6)) is amended—

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

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

''(F) with respect to a target who is a United States person, including a statement describing the investigative techniques carried out before making the application; and''.

(b) TITLE III.—Section 303(a)(6) (50 U.S.C. 1823(a)(6)) is amended—

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

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

''(F) with respect to a target who is a United States person, includes a statement describing the investigative techniques carried out before making the application; and''.

SEC. 203. INVESTIGATIONS RELATING TO FEDERAL CANDIDATES AND ELECTED FEDERAL OFFICIALS.

(a) TITLE I.—Section 104(a)(6) (50 U.S.C. 1804(a)(6)), as amended by section 202, is further amended by adding at the end the following new subparagraph:

''(G) if the target of the electronic surveillance is an elected Federal official or a candidate in a Federal election, that the Attorney General has approved in writing of the investigation;''.

(b) TITLE III.—Section 303(a)(6) (50 U.S.C. 1823(a)(6)), as amended by section 202, is further amended by adding at the end the following new subparagraph:

''(G) if the target of the physical search is an elected Federal official or a candidate in a Federal election, that the Attorney General has approved in writing of the investigation;''.

SEC. 204. REMOVAL OR SUSPENSION OF FEDERAL OFFICERS FOR MISCONDUCT BEFORE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

Section 103 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(l) REMOVAL OR SUSPENSION OF FEDERAL OFFICERS FOR MISCONDUCT BEFORE COURTS.—An employee, officer, or contractor of the United States Government who engages in deliberate misconduct with respect to proceedings before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review shall be subject to appropriate adverse actions, including, as appropriate, suspension without pay or removal.''.

SEC. 205. PENALTIES FOR OFFENSES RELATED TO FISA.

(a) FALSE DECLARATIONS BEFORE FISC AND FISCR.—Section 1623(a) of title 18, United States Code, is amended by inserting before '', or both'' the following: ''or, if such proceedings are before or ancillary to the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review established by section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), imprisoned not more than eight years''.

(b) INCREASED PENALTY FOR UNAUTHORIZED USE.—Section 109(c) (50 U.S.C. 1809(c)) is amended by striking ''five years'' and inserting ''eight years''.

(c) UNAUTHORIZED DISCLOSURE OF APPLICATIONS.—

(1) IN GENERAL.—Subsection (a) of section 109 (50 U.S.C. 1809) is amended—

(A) in the matter preceding paragraph (1), by striking ''intentionally'';

(B) in paragraph (1)—

(i) by inserting ''intentionally'' before ''engages in''; and

(ii) by striking ''; or'' and inserting a semicolon;

(C) in paragraph (2)—

(i) by inserting ''intentionally'' before ''disclose or uses''; and

(ii) by striking the period at the end and inserting ''; or''; and

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

''(3) is an employee, officer, or contractor of the United States Government and intentionally discloses an application, or classified information contained therein, for an order under any title of this Act to any person not entitled to receive classified information.''.

(2) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking ''under subsection (a)'' and inserting ''under paragraph (1) or (2) of subsection (a)''.

SEC. 206. CONTEMPTS CONSTITUTING CRIMES.

Section 402 of title 18, United States Code, is amended by inserting after ''any district court of the United States'' the following: '', the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review established by section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803),''.

SEC. 207. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act and shall apply with respect to applications made under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) on or after such date.

TITLE III—FOREIGN INTELLIGENCE SURVEILLANCE COURT

SEC. 301. DECLASSIFICATION OF SIGNIFICANT DECISIONS, ORDERS, AND OPINIONS.

(a) TIMING OF DECLASSIFICATION.—Subsection (a) of section 602 (50 U.S.C. 1872) is amended by adding at the end the following new sentence: ''The Director shall complete the declassification review and public release of each such decision, order, or opinion by not later than 180 days after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues such decision, order, or opinion.''.

(b) MATTERS COVERED.—Such subsection is further amended—

(1) by striking ''Subject to subsection (b)'' and inserting ''(1) Subject to subsection (b)'';

(2) by striking ''includes a significant'' and all that follows through '', and,'' and inserting ''is described in paragraph (2) and,''; and

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

''(2) The decisions, orders, or opinions issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review described in this paragraph are such decisions, orders, or opinions that—

''(A) include a significant construction or interpretation of any provision of law, including any novel or significant construction or interpretation of—

''(i) the term 'specific selection term'; or

''(ii) section 501(a)(5); or

''(B) result from a proceeding in which an amicus curiae has been appointed pursuant to section 103(i).''.

(c) APPLICATION OF REQUIREMENT.—Section 602 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1872) shall apply with respect to each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review before, on, or after the date of the enactment of such section. With respect to such decisions, orders, or opinions issued before or on such date, the Director of National Intelligence shall complete the declassification review and public release of each such decision, order, or opinion pursuant to such section by not later than one year after the date of the enactment of this Act.

SEC. 302. APPOINTMENT OF AMICI CURIAE AND ACCESS TO INFORMATION.

(a) EXPANSION OF APPOINTMENT AUTHORITY.—Subparagraph (A) of section 103(i)(2) (50 U.S.C. 1803(i)(2)) is amended to read as follows:

''(A) shall appoint an individual who has been designated under paragraph (1) to serve as amicus curiae to assist such court in the consideration of any application for an order or review that, in the opinion of the court—

''(i) presents a novel or significant interpretation of the law, unless the court issues a finding that such appointment is not appropriate; or

''(ii) presents exceptional concerns about the protection of the rights of a United States person under the first amendment to the Constitution, unless the court issues a finding that such appointment is not appropriate; and''.

(b) AUTHORITY TO SEEK REVIEW.—Subsection (i) of section 103 (50 U.S.C. 1803) is amended—

(1) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) AUTHORITY TO SEEK REVIEW OF DECISIONS.—

''(A) FISA COURT DECISIONS.—Following issuance of an order under this Act by the Foreign Intelligence Surveillance Court, an amicus curiae appointed under paragraph (2) may petition the court to certify for review to the Foreign Intelligence Surveillance Court of Review a question of law pursuant to subsection (j). If the court denies such petition, the court shall provide for the record a written statement of the reasons for such denial. Upon certification of any question of law pursuant to this subparagraph, the Court of Review shall appoint the amicus curiae to assist the Court of Review in its consideration of the certified question, unless the Court of Review issues a finding that such appointment is not appropriate.

''(B) FISA COURT OF REVIEW DECISIONS.—An amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court of Review to certify for review to the Supreme Court of the United States any question of law pursuant to section 1254(2) of title 28, United States Code.''.

(c) ACCESS TO INFORMATION.—

(1) APPLICATION AND MATERIALS.—Subparagraph (A) of section 103(i)(6) (50 U.S.C. 1803(i)(6)) is amended by striking clause (ii) and inserting the following new clause:

''(ii) may make a submission to the court requesting access to any particular materials or information (or category of materials or information) that the amicus curiae believes to be relevant to the duties of the amicus curiae.''.

(2) CONSULTATION AMONG AMICI CURIAE.—Such section is further amended—

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

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) CONSULTATION.—If the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review determines that it is relevant to the duties of an amicus curiae appointed by the court under paragraph (2), the amicus curiae may consult with one or more of the other individuals designated by the court to serve as amicus curiae pursuant to paragraph (1) regarding any of the information relevant to any assigned proceeding.''.

(d) TERM LIMITS.—

(1) REQUIREMENT.—Paragraph (1) of section 103(i) (50 U.S.C. 1803(i)) is amended by adding at the end the following new sentence: ''An individual may serve as an amicus curiae for a 5-year term, and the presiding judges may, for good cause, jointly reappoint the individual to a single additional term.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply with respect to the service of an amicus curiae appointed under section 103(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)) that occurs on or after the date of the enactment of this Act, regardless of the date on which the amicus curiae is appointed.

SEC. 303. EFFECTIVE AND INDEPENDENT ADVICE FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.

Section 103 (50 U.S.C. 1803), as amended by section 204, is further amended by adding at the end the following new subsection:

''(m) INDEPENDENT LEGAL ADVISORS.—

''(1) AUTHORITY.—The Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review may jointly employ legal advisors to assist the courts in all aspects of considering any matter before the courts, including with respect to—

''(A) providing advice on issues of law or fact presented by any application for an order under this Act;

''(B) requesting information from the Government in connection with any such application;

''(C) identifying any concerns with any such application; and

''(D) proposing requirements or conditions for the approval of any such application.

''(2) DIRECTION.—The legal advisors employed under paragraph (1) shall be subject solely to the direction of the presiding judges of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review.''.

SEC. 304. TRANSCRIPTS OF PROCEEDINGS AND COMMUNICATIONS REGARDING APPLICATIONS.

(a) TRANSCRIPTS.—Subsection (c) of section 103 (50 U.S.C. 1803) is amended—

(1) by striking ''Proceedings under this Act'' and inserting ''(1) Proceedings under this Act'';

(2) by inserting '', and shall be transcribed'' before the first period;

(3) by inserting '', transcriptions of proceedings,'' after ''applications made''; and

(4) by adding at the end the following new sentence: ''Transcriptions of proceedings shall be stored in a file associated with the relevant application or order.''.

(b) REQUIREMENT FOR WRITTEN RECORDS OF INTERACTIONS WITH COURT.—Such subsection, as amended by paragraph (1) of this section, is further amended by adding at the end the following new paragraph:

''(2) The Attorney General and the Foreign Intelligence Surveillance Court shall maintain all written substantive communications between the Department of Justice and the court, including the identity of the employees of the court to or from whom the communications were made, regarding an application or order made under this title in a file associated with the application or order.''.

(c) CONFORMING AMENDMENT.—Subsection (i)(2) of section 103 (50 U.S.C. 1803) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

SEC. 305. INFORMATION PROVIDED IN ANNUAL REPORTS.

(a) REPORTS BY DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Subsection (a)(1) of section 603 (50 U.S.C. 1873) is amended—

(1) in subparagraph (E), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

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

''(G) the number of times the Attorney General required the emergency production of tangible things pursuant to section 501(i)(1) and the application under subparagraph (D) of such section was denied;

''(H) the number of certifications by the Foreign Intelligence Surveillance Court of Review pursuant to section 103(j); and

''(I) the number of requests to certify a question made by an amicus curiae to the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review pursuant to section 103(i)(7).''.

(b) REPORTS BY DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b)(5)(B) of such section, as amended by section 101, is amended by inserting before the semicolon at the end the following: '', including information received electronically and through hardcopy and portable media''.

TITLE IV—TRANSPARENCY, SUNSETS, AND OTHER MATTERS

SEC. 401. CONGRESSIONAL OVERSIGHT.

(a) IN GENERAL.—Section 601 (50 U.S.C. 1871) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) CONGRESSIONAL OVERSIGHT.—In a manner consistent with the protection of the national security, nothing in this Act or any other provision of law may be construed to preclude the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate from receiving in a timely manner, upon request, applications submitted under this Act to the Foreign Intelligence Surveillance Court, orders of the court, and relevant materials relating to such applications and orders.''.

(b) CONFORMING AMENDMENT.—Section 602(a) (50 U.S.C. 1872(a)) is amended by striking ''in section 601(e)'' and inserting ''in section 601(f)''.

SEC. 402. ESTABLISHMENT OF COMPLIANCE OFFICERS.

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.) is amended by adding at the end the following new section:

"SEC. 605. COMPLIANCE OFFICERS.

''(a) APPOINTMENT.—The head of each covered agency shall appoint a single Federal officer to serve as the Compliance Officer for that agency.

''(b) COMPLIANCE.—Each Compliance Officer appointed under subsection (a) shall be responsible for overseeing the compliance of the relevant covered agency with the requirements of this Act.

''(c) AUDITS.—Each Compliance Officer shall conduct routine audits of the compliance by the relevant covered agency with—

''(1) the requirements of this Act regarding submitting applications to the Foreign Intelligence Surveillance Court, including with respect to the accuracy of such applications; and

''(2) the minimization, targeting, querying, and accuracy procedures required by this Act.

''(d) ASSESSMENTS.—Each Compliance Officer shall—

''(1) conduct on a routine basis assessments of the efficacy of the minimization, targeting, querying, and accuracy procedures adopted by the Attorney General pursuant to this Act; and

''(2) annually submit to the Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code, and the head of the relevant covered agency the findings of such assessments, including any recommendations of the Compliance Officer with respect to improving such procedures.

''(e) REMEDIATION.—Each Compliance Officer shall ensure the remediation of any compliance issues of the relevant covered agency identified pursuant to this section or the rules of the Foreign Intelligence Surveillance Court.

''(f) INSPECTOR GENERALS ASSESSMENT.—On an annual basis, and consistent with the protection of sources and methods, each Inspector General of a covered agency shall submit to the Foreign Intelligence Surveillance Court and the appropriate congressional committees an assessment of the implementation of this section by the covered agency.

''(g) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives; and

''(B) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

''(2) COVERED AGENCY.—The term 'covered agency' means a department or agency of the United States Government that submits applications to the Foreign Intelligence Surveillance Court under this Act.

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term 'Foreign Intelligence Surveillance Court' has the meaning given that term in section 101.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Foreign Intelligence Surveillance Act of 1978 is amended by inserting after the item relating to section 604 the following new item:

''Sec. 605. Compliance officers.''.

SEC. 403. PUBLIC REPORTS ON INFORMATION OBTAINED OR DERIVED UNDER FISA AND PROTECTION OF FIRST AMENDMENT ACTIVITIES.

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall make publicly available the following reports:

(1) A report explaining how the United States Government determines whether information is ''obtained or derived'' from activities authorized by the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of the notice requirements under such Act.

(2) A report explaining how the United States Government interprets the prohibition under section 501(a) of such Act (50 U.S.C. 1861(a)) on conducting an investigation of a United States person ''solely upon the basis of activities protected by the first amendment to the Constitution''.

(b) REQUIREMENTS.—The Attorney General shall ensure that the reports under subsection (a) are detailed and use hypothetical fact patterns to describe how the United States Government conducts the analyses covered by the reports.

(c) FORM.—The reports under subsection (a) shall be made publicly available in unclassified form.

SEC. 404. MANDATORY REPORTING ON CERTAIN ORDERS.

(a) REPORTING ON UNITED STATES PERSON QUERIES.—Subsection (b)(2) of section 603 (50 U.S.C. 1873), as amended by section 101, is amended—

(1) in subparagraph (B), by striking ''the number of search terms concerning a known United States person'' and inserting ''the number of search terms that concern a known United States person or are reasonably likely to identify a United States person''; and

(2) in subparagraph (C), by striking ''the number of queries concerning a known United States person'' and inserting ''the number of queries that concern a known United States person or are reasonably likely to identify a United States person''.

(b) MODIFICATION TO EXCEPTIONS.—Subsection (d)(2) of such section, as amended by section 101, is amended by striking ''(A) FEDERAL'' and all that follows through ''(B) ELECTRONIC MAIL ADDRESS AND TELEPHONE NUMBERS.—''.

SEC. 405. REPORT ON USE OF FISA AUTHORITIES REGARDING PROTECTED ACTIVITIES AND PROTECTED CLASSES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Privacy and Civil Liberties Oversight Board shall make publicly available, to the extent practicable, a report on—

(1) the extent to which the activities and protected classes described in subsection (b) are used to support targeting decisions in the use of authorities pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(2) the impact of the use of such authorities on such activities and protected classes.

(b) ACTIVITIES AND PROTECTED CLASSES DESCRIBED.—The activities and protected classes described in this subsection are the following:

(1) Activities and expression protected by the First Amendment to the Constitution of the United States.

(2) Race, ethnicity, national origin, religious affiliation, sex, and any other protected characteristic determined appropriate by the Board.

(c) FORM.—In addition to the report made publicly available under subsection (a), the Board may submit to the appropriate congressional committees a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on the Judiciary and the Select Committee on Intelligence of the Senate.

SEC. 406. IMPROVEMENTS TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

Paragraph (4) of section 1061(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(h)) is amended to read as follows:

''(4) TERM.—

''(A) COMMENCEMENT.—Each member of the Board shall serve a term of 6 years, commencing on the date of the appointment of the member to the Board.

''(B) REAPPOINTMENT.—A member may be reappointed to one or more additional terms.

''(C) VACANCY.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(D) EXTENSION.—Upon the expiration of the term of office of a member, the member may continue to serve, at the election of the member—

''(i) during the period preceding the reappointment of the member pursuant to subparagraph (B); or

''(ii) until the member's successor has been appointed and qualified.''.

SEC. 407. SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking ''March 15, 2020'' and inserting ''December 1, 2023''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking ''March 15, 2020'' and inserting ''December 1, 2023''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or March 15, 2020.

SEC. 408. TECHNICAL AMENDMENTS.

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

(1) In section 103(e) (50 U.S.C. 1803(e)), by striking ''702(h)(4)'' both places it appears and inserting ''702(i)(4)''.

(2) In section 105(a)(4) (50 U.S.C. 1805(a)(4))—

(A) by striking ''section 104(a)(7)(E)'' and inserting ''section 104(a)(6)(E)''; and

(B) by striking ''section 104(d)'' and inserting ''section 104(c)''.

(3) In section 501(a) (50 U.S.C. 1861(a)), by indenting paragraph (3) 2 ems to the left.

(4) In section 603(b)(2)(C) (50 U.S.C. 1873(b)(2)(C)), by inserting ''and'' after the semicolon.

(5) In section 702 (50 U.S.C. 1881a)—

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

(B) in subsection (j)(1), by striking ''subsection (g)'' each place it appears and inserting ''subsection (h)''; and

(C) in the subsection heading of subsection (m), by inserting a comma after ''ASSESSMENTS''.

(6) In section 801(8)(B)(iii) (50 U.S.C. 1885(8)(B)(iii)), by striking ''702(h)'' and inserting ''702(i)''.

(7) In section 802(a)(3) (50 U.S.C. 1885a(a)(3)), by striking ''702(h)'' and inserting ''702(i)''.

(b) REFERENCES TO FOREIGN INTELLIGENCE SURVEILLANCE COURT AND FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—

(1) DEFINITIONS.—Section 101 (50 U.S.C. 1801) is amended by adding at the end the following new subsections:

''(q) The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).

''(r) The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established under section 103(b).''.

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

(A) in section 102 (50 U.S.C. 1802), by striking ''the court established under section 103(a)'' and inserting ''the Foreign Intelligence Surveillance Court'';

(B) in section 103 (50 U.S.C. 1803)—

(i) in subsection (a)—

(I) in paragraph (2)(A), by striking ''The court established under this subsection'' and inserting ''The Foreign Intelligence Surveillance Court''; and

(II) by striking ''the court established under this subsection'' each place it appears and inserting ''the Foreign Intelligence Surveillance Court'';

(ii) in subsection (g)—

(I) by striking ''the court established pursuant to subsection (a)'' and inserting ''the Foreign Intelligence Surveillance Court'';

(II) by striking ''the court of review established pursuant to subsection (b)'' and inserting ''the Foreign Intelligence Surveillance Court of Review''; and

(III) by striking ''The courts established pursuant to subsections (a) and (b)'' and inserting ''The Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review'';

(iii) in subsection (h), by striking ''a court established under this section'' and inserting ''the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review'';

(iv) in subsection (i)—

(I) in paragraph (1), by striking ''the courts established under subsections (a) and (b)'' and inserting ''the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review'';

(II) in paragraph (3)(B), by striking ''the courts'' and inserting ''the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review'';

(III) in paragraph (5), by striking ''the court'' and inserting ''the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, as the case may be,'';

(IV) in paragraph (6), by striking ''the court'' each place it appears and inserting ''the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review'';

(V) by striking ''a court established under subsection (a) or (b)'' each place it appears and inserting ''the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review''; and

(VI) by striking ''A court established under subsection (a) or (b)'' each place it appears and inserting ''The Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review'';

(v) in subsection (j)—

(I) by striking ''a court established under subsection (a)'' and inserting ''the Foreign Intelligence Surveillance Court''; and

(II) by striking ''the court determines'' and inserting ''the Foreign Intelligence Surveillance Court determines'';

(vi) by striking ''the court established under subsection (a)'' each place it appears and inserting ''the Foreign Intelligence Surveillance Court''; and

(vii) by striking ''the court established under subsection (b)'' each place it appears and inserting ''the Foreign Intelligence Surveillance Court of Review'';

(C) in section 105(c) (50 U.S.C. 1805(c))—

(i) in paragraph (2)(B), by striking ''the Court'' and inserting ''the Foreign Intelligence Surveillance Court''; and

(ii) in paragraph (3), by striking ''the court'' each place it appears and inserting ''the Foreign Intelligence Surveillance Court'';

(D) in section 401(1) (50 U.S.C. 1841(1)), by striking '', and 'State'' and inserting '' 'State', 'Foreign Intelligence Surveillance Court', and 'Foreign Intelligence Surveillance Court of Review' '';

(E) in section 402 (50 U.S.C. 1842)—

(i) in subsection (b)(1), by striking ''the court established by section 103(a) of this Act'' and inserting ''the Foreign Intelligence Surveillance Court''; and

(ii) in subsection (h)(2), by striking ''the court established under section 103(a)'' and inserting ''the Foreign Intelligence Surveillance Court'';

(F) in section 501 (50 U.S.C. 1861)—

(i) in subsection (b)(1), by striking ''the court established by section 103(a)'' and inserting ''the Foreign Intelligence Surveillance Court'';

(ii) in subsection (g)(3), by striking ''the court established under section 103(a)'' and inserting ''the Foreign Intelligence Surveillance Court''; and

(iii) in subsection (k)(1), by striking '', and 'State'' and inserting '' 'State', and 'Foreign Intelligence Surveillance Court' '';

(G) in section 502(c)(1)(E), by striking ''the court established under section 103'' and inserting ''the Foreign Intelligence Surveillance Court (as defined by section 101)'';

(H) in section 801 (50 U.S.C. 1885)—

(i) in paragraph (8)(B)(i), by striking ''the court established under section 103(a)'' and inserting ''the Foreign Intelligence Surveillance Court''; and

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

''(10) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).''; and

(I) in section 802(a)(1) (50 U.S.C. 1885a(a)(1)), by striking ''the court established under section 103(a)'' and inserting ''the Foreign Intelligence Surveillance Court''.

(c) UPDATED REFERENCES TO CERTAIN INDIVIDUALS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 102(a) (50 U.S.C. 1802(a))—

(A) in paragraph (2), by striking ''him'' and inserting ''the Attorney General''; and

(B) in paragraph (3), by striking ''his certification'' and inserting ''the Attorney General's certification'';

(2) in section 103(a)(1) (50 U.S.C. 1803(a)(1)), by striking ''his decision'' and inserting ''the decision of such judge'';

(3) in section 104(a) (50 U.S.C. 1804(a))—

(A) in the language preceding paragraph (1), by striking ''his finding'' and inserting ''the Attorney General's finding''; and

(B) in paragraph (3), by striking ''his belief'' and inserting ''the applicant's belief'';

(4) in section 105(a) (50 U.S.C. 1805(a)), by striking ''he'' and inserting ''the judge'';

(5) in section 106 (50 U.S.C. 1806)—

(A) in subsection (e), by striking ''he'' and inserting ''the person''; and

(B) in subsection (j), by striking ''his discretion'' and inserting ''the discretion of the judge'';

(6) in section 109 (50 U.S.C. 1809)—

(A) in subsection (a), by striking ''he'' and inserting ''the person''; and

(B) in subsection (b), by striking ''his official duties'' and inserting ''the official duties of such officer'';

(7) in section 305 (50 U.S.C. 1825)—

(A) in subsection (f)(1), by striking ''he'' and inserting ''the person''; and

(B) in subsection (j)(1), by striking ''his discretion'' and inserting ''the discretion of the judge'';

(8) in section 307 (50 U.S.C. 1827)—

(A) in subsection (a), by striking ''he'' and inserting ''the person''; and

(B) in subsection (b), by striking ''his official duties'' and inserting ''the official duties of such officer''; and

(9) in section 403 (50 U.S.C. 1843), by striking ''his designee'' and inserting ''a designee of the Attorney General''.

(d) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

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

The gentleman from New York (Mr. NADLER), the gentleman from Ohio (Mr. JORDAN), the gentleman from California (Mr. SCHIFF), and the gentleman from California (Mr. NUNES) each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

GENERAL LEAVE

Mr. NADLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

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

Madam Speaker, the Foreign Intelligence Surveillance Act, or FISA, authorizes the government to collect foreign intelligence in the United States under the supervision of a secret court.

It is one of the most complicated, technical statutes we handle, but the story of FISA and how Congress reacts to its use is really very simple.

Some measure of surveillance is necessary to keep our country safe. Left unchecked, however, the executive branch is all too willing to unleash its considerable surveillance capabilities on the American people.

Our job as Members of Congress is to make sure that our intelligence capabilities are robust, but also to provide that critical check, to claw back authorities that go too far, and to press for changes that protect our civil liberties to the maximum extent possible.

H.R. 6172, the USA FREEDOM Reauthorization Act, is one step in that ongoing project of protecting our civil liberties.

It is by no means a perfect bill. There are many other changes to FISA that I would have liked to have seen here, but this bill includes very important reforms.

First and foremost, it ends the NSA's call detail records program, which

began as part of a secret and unlawful surveillance project almost 20 years ago. This experiment has run its course, and our responsibility is to bring it to its formal end. It should never have been permitted to start, but now at least we can finally end it.

This bill also prohibits the use of section 215 to acquire information that would otherwise require a warrant in the law enforcement context. Our understanding of the Fourth Amendment has come to recognize a privacy interest in our physical location, and this legislation provides new protections accordingly.

As the law continues to evolve, the public will see how the government applies these standards in the FISA court. This bill requires the government to disclose all significant opinions of the FISA court within 180 days.

The bill also requires a one-time historical review of all significant opinions issued by the court since its inception. The Department of Justice may have good cause to classify the details of any particular case, but there is no reason that important interpretations of the law should be kept secret. There never was, and we finally managed to get rid of it.

Now, since we circulated the original draft of this bill, we have heard from a wide range of stakeholders, from the most progressive Members of the Democratic Caucus to the staunchest supporters of President Trump, and they have convinced us to make yet additional changes.

To address the concerns of those who seek additional guarantees of privacy, we have added new retention limits, new reports to explain key legal issues, and an explicit prohibition on the use of section 215 to obtain GPS and cell site location information.

Other Members asked us to address the deep structural flaws in FISA identified by the inspector general in the report issued late last year. We have done just that. Working with our Republican colleagues, we have mandated additional transparency in FISA applications, created additional scrutiny for cases that involve elected officials, and elevated the consequences for misrepresenting information to the FISA court.

I should also address the Members on both sides of the aisle who urged opposition to this bill because it does not contain every reform we might have wanted.

Madam Speaker, I agree. It does not contain every reform that I want. I am no fan of the underlying authorities.

I represent Lower Manhattan. I was in Congress when the World Trade Center was hit. Then and now, I resented that the government exploited 9/11 to pass the PATRIOT Act, which was much too restrictive of civil liberties, and other measures that I find dangerous and overbroad.

For many years, I led the opposition to reauthorization of the business records provision of FISA, which we are finally doing something about today.

I am a founding member of what was then called the PATRIOT Act Reform Caucus to reform the PATRIOT Act. I have voted against every FISA bill that did not contain significant reform.

But the measure before us today does contain significant reform—again, not every change we would like to see, certainly not many of the changes I would like to see, but very decisive steps in the direction of protecting our civil rights and our civil liberties.

We are taking that step as we should—together, in a bipartisan fashion, and in complete agreement that when it comes to safeguarding our civil liberties, we have done what we could do, and we still have a great deal of work to do.

Madam Speaker, I urge my colleagues to support this measure, and I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, I yield myself such time as I might consume.

I rise in support of the reform legislation.

This bill is not perfect, as the chairman said. It does not contain every reform that I would like to see or the reforms that I advocated for and many others advocated for, but it is a start. Most importantly, this bill is an improvement over what currently exists, over the status quo.

The legislation begins to address the problems that we saw with the FBI's illegal surveillance of Trump campaign associate Carter Page.

On December 9, 2019, the nonpartisan Justice Department inspector general released a 400-page report detailing the FBI's misconduct and the failures in its warrantless surveillance of Mr. Page.

Congressman MEADOWS and I urged our Democratic chairman to hold hearings on this report, but they were not interested.

Still, I hope all of my colleagues had a chance to read the inspector general's report because it should concern every single American.

Remember, if our law enforcement agencies can do this to a President, imagine what they can do to you and me.

The Justice Department inspector general found 17 significant errors or omissions in the FISA warrant applications for Mr. Page. Said more plainly, they lied to the court 17 times.

They didn't tell the court important information, like the guy who wrote the dossier was being paid for by the opposition party's campaign. They didn't tell the court the guy who wrote the document, the dossier, that they used to get the warrant was ''desperate'' to stop Trump and had communicated that to the Justice Department.

The inspector general also found 51 factual assertions made to the FISA court that were wrong or unsupported. It detailed how the FBI was too eager to rely on phony political opposition research conducted by Christopher Steele and, as I said, funded by the Democrats.

According to the inspector general: ''The FISA request form drew almost entirely from Steele's reporting in describing the factual basis to establish probable cause to believe that Page was an agent of a foreign power,'' which was not true.

The inspector general determined that the FBI did not have corroborating information to support the specific allegations made against Mr. Page. In fact, Steele was feeding the FBI gossip and innuendo as proof of wrongdoing. Then, the FBI used that information, as I said, to spy on an American citizen, without corroborating the information.

This is a great misuse of immense power that our Federal Government agencies have, and it is a severe abuse of trust.

Now, there has been a lot of talk about accountability for this misconduct, and I absolutely agree. There needs to be accountability at all levels.

The inspector general found that an FBI attorney actually doctored a piece of evidence. An FBI attorney did this. He doctored a piece of evidence that he used to obtain the warrant to spy on Mr. Page.

The attorney took an email that would have cut against the surveillance order on Mr. Page and changed its meaning. He changed its meaning 180 degrees so that it would support the surveillance. This is totally unacceptable.

The same FBI lawyer who the inspector general found to have shared anti-Trump text messages with his colleagues, writing all kinds of things—''the crazies won finally,'' ''viva la resistance''—this attorney went on to serve on Special Counsel Robert Mueller's team investigating the debunked allegations about Russian collusion.

The FBI's misconduct on FISA is not limited to junior staffers, as some of my colleagues have asserted. Such rampant and flagrant abuse can occur only because of senior leadership failures: Director Comey, Deputy Director McCabe, and General Counsel Jim Baker.

In fact, the inspector general said as much in his report. Here are his words: ''In our view, this was a failure of not only the operational team, but also of the managers and supervisors, including senior officials, in the chain of command.''

It is no coincidence that the two most senior FBI officials involved, Director Comey and Deputy Director McCabe, were both referred for criminal prosecution by the inspector general for wrongdoing related to the investigations.

We cannot forget this background because that is why this reform legislation—again, while not everything we hoped for—is a necessary first step.

This bill would add several requirements to ensure a FISA application is complete and accurate. It requires the Attorney General to sign off on a FISA investigation of an elected official or candidate for Federal office. It forces the Justice Department to fire anyone who knowingly hides information from the FISA court. And the bill enhances congressional oversight of the FISA process.

It also allows the FISA court to appoint an amicus in cases involving political activities of a U.S. person. Because the FISA process is ex parte—meaning, of course, the U.S. person is not represented—I hope the appointment of the amicus will help the FISA court to protect the civil liberties of U.S. persons.

Like I said, I think we can and should do more, and I look forward to working with the chairman toward that end. But right now, this bill would improve the civil liberty protections of U.S. citizens.

Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I include in the RECORD this letter from the chairwoman of the Committee on Oversight and Reform.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, DC, March 10, 2020.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 6172, the ''USA Freedom Reauthorization Act.'' There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Oversight and Reform.

In the interest of permitting your Committee to proceed expeditiously on this bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Oversight and Reform does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name Members of this Committee to any conference committee which is named to consider such provisions.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective Committees.

Sincerely,

CAROLYN B. MALONEY,
Chairwoman.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Judiciary Committee, I am delighted to be able to join our Republican colleagues and Democratic colleagues and those of us who have advocated for a progressive mindset as it relates to civil liberties in this country in support of the reauthorization of the USA FREEDOM Act.

With that backdrop, however, I want to say to my good friend, he knows that the inspector general's report indicated that there was no political motive to the beginning of the investigation. And even though referrals have been made, none of the individuals he mentioned have been criminally prosecuted.

That is behind us, to a certain extent, but it is a good backdrop to make sure that anything we do, no matter who the individuals are, that we do it with the impeccable credentials of the Constitution, civil liberties, civil justice, and equality.

That is why I rise to support this legislation, although I know that a more detailed review might have warranted some additional fixes.

But I think it is important to take note that we do have the prohibition of the government from using section 215 to collect any records that would require a warrant if the information being assessed was for law enforcement purposes.

We are trying to contain and constrain. The bill requires the government to provide notice to individuals whose information is collected pursuant to 215, and it strengthens First Amendment protections by requiring the FISA court and the Foreign Intelligence Surveillance Court of Review to appoint an amicus curiae in any instance where an application by the government presents significant concerns about impinging on the First Amendment.

The bill also strengthens the amicus curiae's ability to protect privacy in civil liberties cases. As well, it directs the Privacy and Civil Liberties Oversight Board to conduct a study of the way the government's use of FISA authorities may be premised.

The bill improves transparency. The bill strengthens reporting requirements. It strengthens, as I said, the Privacy and Civil Liberties Oversight Board.

In further debates right after 9/11, I worked on a number of legislative initiatives, including one bill in 2013, the FISA Court and Sunshine Act, bipartisan legislation that provided much-needed transparency without compromising national security to the decisions, orders, and opinions of the Foreign Intelligence Surveillance Court.

That language is in this bill, the opportunity to review those decisions and for those decisions to be able to be reviewed as well.

I am a longstanding supporter of the USA FREEDOM Act, particularly because section 301 of that bill, which is not in this bill, has protections against reversed targeting.

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Each moment that we have an opportunity to provide security for this Nation we also have the equal opportunity of infringing on the civil liberties of our fellow citizens. It is important today to stand on this floor and say to the American people that we do believe in their constitutional rights and the Bill of Rights. This legislation is to further contain those infringements and to protect the rights of our citizens.

Madam Speaker, I want my colleagues to support this legislation.

Madam Speaker, as a senior member of the Judiciary Committee and as an original cosponsor of the USA Freedom Act, which stands for ''Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act'', I rise in support of the ''USA Freedom Reauthorization Act of 2020.''

I support the USA Freedom Reauthorization Act of 2020 for several reasons:

1. The bill continues to prohibit the NSA from collecting bulk phone records. By doing so, the government no longer has the authority to collect large amounts of call detail records on an ongoing basis. The Call Detail Records program not only resulted in the over-collection of records that the NSA did not have authority to receive but also resulted in several technical problems.

2. The USA Freedom Reauthorization Act prohibits the government from using Section 215 to collect any records that would require a warrant if the information being accessed were for law enforcement purposes. This provision ensures that Section 215 can keep pace with future developments in the law as courts interpret Carpenter v. United States and apply it to other contexts.

3. The bill requires the government to provide notice to individuals whose information is collected pursuant to Section 215 if the government plans to use that information, or any information derived from it, in a criminal case or other legal proceeding.

4. The USA Freedom Reauthorization Act strengthens First Amendment Protections by requiring the FISC and the Foreign Intelligence Surveillance Court of Review to appoint an amicus curia in any instance where an application by the government presents significant concerns about impinging on the First Amendment activities of Americans.

5. The bill contains other measures to strengthen amici curiae's ability to protect privacy in civil liberties in cases to which they are appointed.

6. The USA Freedom Reauthorization Act directs the Privacy and Civil Liberties Oversight Board to conduct a study of the way the government's use of FISA authorities may be premised on or may impact protected classes, including based on race, ethnicity, national origin, religion, or sex.

7. The bill improves transparency by requiring the declassification of significant FISC and FISC–R opinions within 180 days.

8. The USA Freedom Reauthorization Act strengthens the reporting requirement for Section 702 queries by eliminating an existing exemption for the FBI.

9. The bill strengthens the Privacy and Civil Liberties Oversight Board (PCLOB) by allowing members to be reappointed to consecutive terms and to continue serving after their terms have expired, should they so choose.

The USA Freedom Act was first passed in 2015 as the House's unified response to the unauthorized disclosures and subsequent publication in the media in June 2013, regarding the National Security Agency's collection from Verizon of the phone records of all of its American customers, which was authorized by the FISA Court pursuant to Section 215 of the Patriot Act.

Public reaction to the news of this massive and secret data gathering operation was swift and negative.

There was justifiable concern on the part of the public and a large percentage of the Members of this body that the extent and scale of this NSA data collection operation, which exceeded by orders of magnitude anything previously authorized or contemplated, may constitute an unwarranted invasion of privacy and threat to the civil liberties of American citizens.

To quell the growing controversy, the Director of National Intelligence declassified and released limited information about this program. According to the DNI, the information acquired under this program did not include the content of any communications or the identity of any subscriber.

The DNI stated that ''the only type of information acquired under the Court's order is telephony meta data, such as telephone numbers dialed and length of calls.''

The assurance given by the DNI, to put it mildly, was not very reassuring.

In response, many Members of Congress, including then Ranking Member Conyers, Mr. SENSENBRENNER, and myself, introduced legislation in response to the disclosures to ensure that the law and the practices of the executive branch reflect the intent of Congress in passing the USA Patriot Act and subsequent amendments.

For example, I introduced H.R. 2440, the ''FISA Court in the Sunshine Act of 2013,'' bipartisan legislation, that provided much needed transparency without compromising national security to the decisions, orders, and opinions of the Foreign Intelligence Surveillance Court or ''FISA Court.''

Specifically, my bill required the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court (FISC), allowing Americans to know how broad of a legal authority the government is claiming under the PATRIOT ACT and Foreign Intelligence Surveillance Act to conduct the surveillance needed to keep Americans safe.

These requirements were then incorporated in substantial fl part in the USA Freedom Act, which required the Attorney General to conduct a declassification review of each decision, order, or opinion of the FISA court that included a significant construction or interpretation of law and to submit a report to Congress within 45 days.

As I indicated, perhaps the most important reasons for supporting passage of the USA Freedom Reauthorization Act is the prohibition on domestic bulk collection, as well as its enhanced First Amendment protections, both of which seek to protect American citizens from the NSA' s abuse of power through unlawful collection of personal data.

I was also a longstanding supporter of the USA Freedom Act, particularly because Section 301 of the bill contained protections against ''reverse targeting,'' which became law when an earlier Jackson Lee Amendment was included in H.R. 3773, the RESTORE Act of 2007.

''Reverse targeting,'' a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the main concerns of libertarians and classical conservatives, as well as progressives and civil liberties organizations, in giving expanded authority to the executive branch was the temptation for national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards to prevent it.

The Jackson Lee Amendment, preserved in Section 301 of the USA Freedom Act, reduced even further any such temptation to resort to reverse targeting by making any information concerning a United States person obtained improperly inadmissible in any federal, state, or local judicial, legal, executive, or administrative proceeding.

Madam Speaker, I noted in an op-ed published way back in October 2007, that as Alexis DeTocqueville, 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.

I support the USA Freedom Reauthorization Act of 2020 because it will help keep us true to the Bill of Rights and strikes the proper balance between cherished liberties and smart security.

I urge my colleagues to support the USA Freedom Reauthorization Act.

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

I will just real quickly say that the gentlewoman is exactly right. People should be prosecuted. It was so bad in the Carter Page application. Here is what the former chief judge of the FISA court said:

> The frequency with which representations made by FBI personnel turned out to be unsupported or contradicted by information in their possession and with which they withheld information detrimental to their case calls into question whether information contained in other FBI applications is reliable.

Put in plain English: You lied so much, how can we trust any other representation you have made to the court?

That is what this legislation is designed to begin to address and protect American citizens who will be in front of this court.

Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), who has been a strong advocate in this area and former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. Madam Speaker, I am no stranger to this debate. In the aftermath of 9/11, I stood on this floor to advance the USA PATRIOT Act. I still believe, as I did at the time, in its necessity to protect our country from terrorist attacks.

In 2015, after abuses of the surveillance authorities were brought to light, I fought for reforms that resulted in the passage of the USA FREEDOM Act.

Today I rise in support of this reauthorization bill. The expiring provisions are still necessary to the national security of the United States. However, much like in 2015, we have been made aware of surveillance abuses that require our attention. I believe this bill offers substantial reforms to the Foreign Intelligence Surveillance Act, reforms that are imperative for accountability and the restoration of Americans' confidence in our intelligence system.

The FISA abuses in the Carter Page case were staggering. We learned about these when Inspector General Michael Horowitz released his report on December 9, 2019. I said at the time that Congress had the responsibility to fully examine his findings and to take corrective actions.

Unfortunately, we have not fully examined this report. Despite being released 3 months ago, we have not held one hearing on the House side. There is documented evidence of errors, missteps, and omissions that resulted in the degradation of Carter Page's constitutional rights, and, to date, the House majority has largely ignored it.

So I am glad that the majority is finally acknowledging the abuses in the Horowitz report by introducing corrective actions in this bill.

There are several good provisions for accountability in the bill. For instance, the Attorney General must now approve, in writing, the FISA investigation of an elected official or candidate for Federal office. Also, the legislation expands the use of an amicus in cases involving the political activities of U.S. citizens. The legislation creates checks to ensure that information being presented to the FISC is accurate.

It is impossible to legislate away bad behavior by malicious actors, but this legislation places much-needed safeguards to prevent another Carter Page-type scandal from happening again.

My colleagues who wish we should do more are right; we should do more. But with a deadline on Sunday, we must either act now or let these important national security authorities expire.

Since the inception of the PATRIOT Act, I have fought for oversight of powerful surveillance apparatus. I believe that the reforms presented in this bill are a good step to restoring the oversight.

The reauthorization reinforces essential and effective tools that have been in place since 9/11, while also strengthening the protection of citizen civil liberties in the United States.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, I rise in strong support of this USA FREEDOM Reauthorization Act of 2020.

This bill strikes just the right balance between protecting our national security and strengthening civil liberties. It preserves critical tools used by authorities to investigate international terrorism and foreign intelligence matters, but also makes significant reforms to enhance privacy and transparency.

I would like to quickly highlight some of the important privacy protections included in the bill.

For example, the FBI may no longer be able to keep business records collected under FISA indefinitely. Those records would have to be destroyed after 5 years, except in very narrow circumstances.

The government will also have to provide notice to individuals whose business records are used in a criminal case or other proceeding unless the proceeding's adjudicator finds that disclosure would harm national security. Individuals who receive notice would then be able to challenge the legality of the government's collection, a right that should be maintained when intrusive national security authorities are used to gather evidence.

In addition to these privacy enhancements, the bill also requires greater transparency about how the government uses FISA. The bill imposes a 180-day clock on declassification of significant opinions issued by the FISA court and requires the government to look further in its historical records than it has done before.

Moreover, the bill enhances transparency in the intelligence community's annual public reports so we get a better sense of when the government conducts U.S. person queries into FISA data.

These are but some examples of the important transparency and private reforms contained in this bill. These reforms are all accomplished without negatively impacting our national security.

Madam Speaker, I urge my colleagues to join me in voting for it.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. BIGGS).

Mr. BIGGS. Madam Speaker, I thank the gentleman for yielding.

The recurring theme that I have heard today is that we should be doing more to fix FISA. That is not unlike what James Madison described in the Federalist Papers when he described parchment barriers between the various departments of government, meaning the three branches of government, afraid that all of it could be sucked into the vortex of power—those are his words—of the legislative branch.

And here we are discussing parchment barriers for those who have basically abused the FISA process so far. We are putting more parchment barriers in place, but they don't mean anything. They don't mean anything if you never see someone prosecuted.

So let's talk about one of the things that has been touted, a lengthening of the time of sentencing from 5 years to 8 years if you are found to commit abuse. How about contempt proceedings that are being put in here?

But do you know what? We know FISA was abused. We know that people lied to the court, and we know something else. The Inspector General recommended criminal charges be filed on people.

These parchment barriers make no sense, have no strength and no efficacy when we don't see someone indicted, charged, or convicted. To say something is criminal in nature doesn't matter when you don't prosecute them.

If you want to deter somebody, you must see prosecution so, that way, you get specific deterrence for that individual or general deterrence to the rest of the people who are inclined to commit bad acts.

The flaws in this bill are that we don't see application of any of these reforms. So we can tout them all we wish—a whole litany of them—but until you actually hold people accountable, this bill has no efficacy. For that reason, I will be opposing.

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

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON of Ohio. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise to caution my colleagues about this false dilemma of security versus freedom and about supporting and defending our Constitution against all enemies foreign or domestic by abridging the rights and freedoms protected by our Constitution.

I want to applaud, frankly, the behind-the-scenes folks on the committees who worked hard to make this bill better than the status quo. Many of my colleagues will look at this, and, frankly, that has been the argument by the ranking member and the chairman that this bill really isn't that good of a bill, that it is really not what we should do, but it is better than the status quo.

Too often that is what happens here. I think that might leave people with the false perception that we couldn't do better. But the reality is there is bipartisan agreement and bicameral agreement on the Safeguarding Americans' Private Records Act.

The bill that the committee was going to move forward with was pulled. The committee process didn't take place because there was a bipartisan coalition of conservatives and progressives who had a plan to amend the bill. It may, in fact, have been a completely different bill.

We also didn't take it through committee. We also didn't allow any amendments, so numerous good amendments weren't even able to be considered, amendments like the confess your transgressions amendment that would say that, of all these agencies that report, the Director of National Intelligence would say: What has been done to discipline people who access these records in violation of statute?

My colleague, Mr. BIGGS, highlighted the real problem. There is one standard for everyday Americans and a different one for the powerful and connected. Our Justice Department needs to hold someone accountable. Whether it is in my district, in a Republican district, or one of my colleagues' districts, in a Democratic district, we get the same question: When is someone going to jail?

We need to know that the law is being followed, that Lady Justice does have a blindfold on, and that there is one standard. This falls far short of that, and it is not the standard that should be used against American citizens; therefore, it is not the standard that should be used to secure our country.

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

Mr. JORDAN. Madam Speaker, may I inquire of the Chair how much time the minority has remaining.

The SPEAKER pro tempore. The gentleman from Ohio has 2½ minutes remaining.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. ARMSTRONG).

Mr. ARMSTRONG. Madam Speaker, to my colleagues on both sides who think that this bill doesn't go far enough, I can tell you that, probably 3 days ago, I was 100 percent in your camp. If you would have told me today I was going to stand up and speak in favor of this bill, I would have told you that is not true, yet here I am.

The reason is because I think we are dealing with some issues that are important to discuss:

One, there is no legislation that we can write that will make bad actors not be bad actors. There is no amicus provision or any provision that is going to allow for somebody who is going to lie to their own superiors to not lie to somebody else.

Two, the provisions of lone wolf and roving wiretaps are incredibly important to national security. There is not a lot of debate amongst those things.

Three, FISA and title 1 were originally designed because of abuses to civil rights. We know that title 1 has been abused, and that is why we are here.

But are we better off without title 1? I don't think so. We weren't before. We are better off with it.

So what does this bill actually do that is important, that is why a guy like me who believes in the Fourth Amendment, believes in the First Amendment, and believes in the privacy of our citizens, why would I stand here? Because it increases transparency; it moves it through the process faster; it puts real compliance checks in place; and it holds people accountable both through a contempt proceeding and enhanced criminal penalties.

When we are dealing with something as important as civil liberties, I think we have to ask the question: Are we better off tomorrow than we are today? This bill puts us in a better position tomorrow than it did yesterday.

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

The SPEAKER pro tempore. The gentleman from Ohio has 1 minute remaining.

Mr. JORDAN. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, as the gentleman from North Dakota just articulated, the bill is better than where we are currently—no call detail records, amicus kicks in if there is a First Amendment concern of any American citizen who is in front of the court. The penalties are real: You lie to the court, you omit information from the court, or you go leak information about the application you submitted to the court, there are enhanced penalties.

There is the transcript provision. There is now a transcript that will be given to the intelligence community. That is a good step, knowing that somebody is going to be looking at what you are doing and is going to see it in a real timeframe is important.

The annual assessment from the IG, the same IG who just told us 3 months ago that the FBI went to the court in the Carter Page application and lied 17 times, that individual, Mr. Horowitz, will be doing an annual assessment; compliance office within the Department of Justice so that there are more people looking at the application on the front end, hopefully, we don't have as many problems; and finally, as the chairman indicated, no cell site GPS location indication without a warrant—those are victories for the American citizen. It is not as much as we would like, but it is a darn good first step.

Madam Speaker, I urge people to support the legislation, and I yield back the balance of my time.

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

I just want to say that I am in complete agreement with the ranking minority member that this is a very good bill, that we do a lot of things that we ought to do, that we don't do a lot of things, unfortunately, that we should do, but we did what we could.

Undoubtedly, the ranking member and I have different ideas. Some of the things which he thinks we did not enough I think we did too much and vice versa, but we did have some of the things he thinks that we shouldn't have done I wish we had done. But we did manage to reach agreement.

As I said, I believe it is a very good bill. It is not as protective of civil liberties as I would like to see it, but we got as far as we possibly could, and so I urge everyone to vote for this bill.

I know there will be some dissent on our side of the aisle based on civil liberties concerns. I can only say that, with most of those concerns that I have heard voiced, I agree with them, but we just couldn't get them.

Before I close, I want to recognize the staff on both sides of the aisle who have worked around the clock for the past few weeks to reach a compromise and bring this bill to the floor.

Although there are too many to name here, I should single out the following individuals: Aaron Hiller, Sophia Brill, and Sarah Istel from my staff; Wells Bennett, Nicolas Mitchell, Raffaela Wakeman, and William Wu from the Permanent Select Committee on Intelligence majority; Ryan Breitenbach and Bobby Parmiter from the Judiciary Republican side; Stephen Castor and Tyler Grimm from Mr. JORDAN's staff; and Laura Casulli, Meghan Green, and Allen Souza for the HPSCI Republicans.

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The country should be proud of what we have all accomplished here, what they have accomplished here, and I thank each and every one of them.

Madam Speaker, in closing, I will simply say that it is our responsibility to work across the aisle and across the branches of the government to bring our national security in line with our values.

We have done so here, but that work is an ongoing project. It must not end today, because we have a long way to go yet.

Madam Speaker, I urge my colleagues to support the USA FREEDOM Reauthorization Act, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. SCHIFF) and the gentleman from California (Mr. NUNES) each will control 15 minutes.

The Chair recognizes the gentleman from California (Mr. SCHIFF).

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

Madam Speaker, I rise in strong support of the USA FREEDOM Reauthorization Act of 2020.

This bill makes a number of critical and important reforms to strengthen civil liberties and privacy protections under the Foreign Intelligence Surveillance Act while simultaneously protecting the national security of the United States. In addition, the bill provides for greater transparency and increased oversight and accountability to ensure the integrity of the FISA process.

Over the past several weeks, Chairman NADLER and I, along with Speaker PELOSI and Majority Leader HOYER, have worked with Members from across the caucus and the aisle to develop a set of reforms that our Democratic Caucus could be proud to support. This bill is a result of that effort. It builds on the achievements of the USA FREEDOM Act of 2015, which passed with 338 votes in the House and the overwhelming support of the Democratic Caucus to put in place long-sought reforms to FISA.

The three expiring provisions that this bill would reauthorize are vitally important to protecting national security. One of those measures, the roving wiretap provision, authorizes continued court-approved surveillance of targets, even if they change their phones or other devices. Its expiration, or that of the other two provisions, would be to no one's benefit. Our counterterrorism and national security activities would be severely hamstrung, and we would have lost the opportunity to press for reforms that we are seeking.

At the outside of this process, administration officials, like the Attorney General, along with Senate Republican leadership, made it clear that they preferred a clean and permanent reauthorization of these authorities. On a bipartisan basis, this bill rejects that demand, producing a bill that holds firm to our commitment to civil liberties, oversight, and transparency, and, importantly, has an important sunset.

Let me describe just a few of the reforms included in this legislation:

The bill would end, once and for all, NSA's authority to collect call detail records on an ongoing basis, and destroy all records previously obtained under these authorities.

This bill would require that the government get a warrant under FISA, if one would be needed in the law enforcement context.

This bill would prohibit the government from retaining business records for more than 5 years, with exceptions, such as an imminent threat to human life.

This bill would expand the appointment of amici in FISA court proceedings, permit amici to seek access to more information, and creating a framework for amicus to seek higher court review of questions of law to the FISA courts.

The bill would also strengthen the requirement for the declassification and release of FISA court opinions and apply the requirements retroactively to prior to the enactment of the 2015 USA FREEDOM Act.

Madam Speaker, I recognize there are additional reforms that Members would like to see in the bill. I sought additional reforms as well. As with any negotiation, no one side is getting everything they want, but I believe it is important to enhance transparency and privacy safeguards whenever possible.

But this is a strong result that makes substantial reforms that so many members of our caucus, myself included, have worked hard to secure for many years. And I will continue to work to secure further protections for privacy and civil liberties and to provide vigorous oversight of FISA.

Madam Speaker, I support the bill, which makes important reforms to the FISA process and urge Members to vote ''yes,'' and I reserve the balance of my time.

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

Madam Speaker, the Foreign Intelligence Surveillance Act, or FISA, is a critical tool for thwarting terrorist plots and collecting vital intelligence on actors who are hostile to U.S. interests.

During the FBI's 2016 Russia collusion investigation, however, FBI officials grossly abused FISA to spy on an associate of a Presidential campaign they opposed.

The purpose of the bill before us today is to reauthorize expiring FISA authorities while ensuring that other

FISA tools can never again be turned against the American people for political purposes.

In 2017, in the course of our own investigation on Russia, House Intelligence Committee Republicans received strong indications that FISA had been severely abused in order to spy on Carter Page, a former associate of the Trump campaign.

As we investigated the matter, we were stonewalled at nearly every juncture by top officials of the FBI and the Department of Justice. Their denials of any wrongdoing were uniformly repeated by the media and by political figures, who were spreading the false accusation that Trump campaign officials colluded with the Russian Government to interfere in the 2016 Presidential election.

Madam Speaker, I want to thank my Republican colleagues and staff on the committee who persisted amid the most determined obstruction of any investigation this House has seen in a long time.

I also want to thank our Republican colleagues on the House Oversight and Judiciary Committees who worked hard to uncover the full extent of this malfeasance.

The full scope of the abuse was eventually detailed by Inspector General Michael Horowitz, whose December 2019 report revealed 17 major mistakes and omissions, along with many lesser abuses.

Among many other abuses the Inspector General found, is that the FBI had used unverified allegations from the Steele dossier to get a FISA warrant on Carter Page; had misrepresented the reliability of those allegations to the court; had omitted exculpatory information from their submission; and had doctored an email to hide Page's prior cooperation with a U.S. intelligence agency.

H.R. 6172 is the first step in imposing reforms to address these gross abuses and restore accountability in the FISA process. These reforms include but are not limited to:

Requiring the Attorney General's approval in order to obtain a FISA warrant for any candidate for Federal office;

Imposing stronger penalties for those who conceal information from the FISA court or leak FISA-derived information; and

Providing clear authorization for Congress to access FISA materials so that elected officials can better oversee FISA cases without obstruction.

This legislation makes strong reforms that will protect the American people from government overreach while continuing to protect the homeland from terrorist threats.

Close Congressional oversight of the FISA process, which will be enhanced significantly by this bill, must continue in order to prevent future abuses. What happened to the Trump campaign in 2016 can never be allowed to happen again, not to a political campaign and not to an American citizen.

I believe I speak for all Republicans when I say that our work is not finished. We will continue to look for further ways to improve both privacy protections as well as FISA's effectiveness in defusing national security threats to our country.

Madam Speaker, I urge support of H.R. 6172, and I reserve the balance of my time.

Mr. SCHIFF. Madam Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Madam Speaker, I thank and compliment the chairman and the ranking member—and the chairman and ranking member of the Committee on the Judiciary—for doing such good and bipartisan work at this rather tense and polarized time around reauthorizing a number of authorities that have been, not just important, but essential to keeping the American public safe.

And they did that, of course, mindful of the need to balance those authorities and those activities with the very legitimate civil liberties interests that we all have, and with our obligation to the Constitution, which we all swear an oath to support and defend.

Madam Speaker, as the chairman said, this bill will reauthorize, even as it imposes additional oversight, a couple of very important authorities, while ending the authority that I think in the last several years was most problematic to me, to many people in this Chamber, and to the American people, which was the bulk collection of telephone metadata.

That was a debate that led to the original USA FREEDOM Act of 2015, to those reforms, and gets us to where we are today where Americans can know that the NSA, a foreign intelligence agency, will not be collecting their records, their metadata. And I believe that that is a very substantial achievement in today's bill.

I would like to take a moment, though, to wrestle with a charge that was leveled by my friends and colleagues on the progressive side, and their recommendation with respect to this bill. Their statement called these authorities ''sweeping unconstitutional surveillance.'' And, with respect, I would say that none of that is true.

Sweeping. Let's talk about sweeping for a second. I guess we could argue about exactly what that means, but of the authorities that are being discussed, we are ending the metadata program. The lone-wolf authority, which allows us to surveil a potential terrorist who is not affiliated with a designated terrorist group, has never been used. That leaves, of course, the roving wiretap authority, which is used in a pointed and careful way and has been used to save lives and prosecute terrorists. That is not, I would suggest with respect, sweeping.

So constitutional, the charge that this is unconstitutional is something that we should examine and take seriously. In this time of overheated rhetoric, I think it is important that we be very clear and very specific in the words that we use. So let me just say about the charge that there is anything unconstitutional in these authorities:

No provision has ever been held to be unconstitutional by the Supreme Court, by the FISA court itself, or by any other court.

And it is not just the courts, these authorities have been subject to review by the President's Civil Liberties Oversight Board, and they have not deemed any of these authorities unconstitutional.

They have been subject to Congressional scrutiny and, of course, most famously and most recently, subject to review by the Inspector General, who—yes—discovered very significant deficiencies in the way a FISA application dealing with an American citizen was dealt with.

My friends who are concerned about the possibility of the unconstitutional activity should remember, not a single authority has ever been deemed to be unconstitutional. And over and over again, the FISA court, and most recently Inspector General Horowitz, has pushed back hard on misbehavior, on negligence in this area.

So what we are left with here is balance. And as the chairman and as the ranking member have said, the reforms that are made in this bill with respect to empowering an amicus, with respect to giving the President's Civil Liberties Oversight Board additional authorities strike that balance.

Madam Speaker, I close by urging my colleagues to accept that we have made a lot of progress, that this was all about preserving civil liberties, and to vote in favor of H.R. 6172, the USA FREEDOM Reauthorization Act of 2020.

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Mr. NUNES. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the Republican leader.

Mr. MCCARTHY. Madam Speaker, before I begin, I want to thank the gentleman, the ranking member of the Intelligence Committee. He warned the American public when he was chair. He warned them and told them that FISA was not used correctly, that the power of the government overstretched their arms.

But even when the other elements of government said no, they did not, even when others got on to that exact same position and told us everything was fine with FISA, it was not until the inspector general got his report that the truth was known.

I thank Congressman DEVIN NUNES for being the truth, telling it to the American public, and staying with it when others wanted to lie.

That is why we are here today. That is why this will not continue or ever happen again.

Madam Speaker, at the heart of our Constitution is a simple idea, the idea

of checks and balances. These principles protect Americans' freedoms by creating safeguards against the potential of government overreach of power.

Unfortunately, in 2016, those checks and balances were not in place to stop individuals at the highest level of the FBI and Justice Department from spying on Carter Page, an American citizen who could have been one of us.

They used the secretive FISA courts, which are meant to keep Americans safe from foreign enemies, to attempt to undermine their domestic political opponent at that time, then-candidate Donald Trump.

After years of thorough and independent investigation, we now know the truth: what happened in 2016 was politically motivated; it was completely unjustified; and it must never happen again.

This bipartisan legislation addresses the need for greater accuracy and accountability in the FISA process. It does not damage the legitimate authorities our intelligence community relies on to keep us safe, but it does strengthen protections for civil liberties.

Among its many reforms, this legislation increases the punishment for unauthorized disclosure of FISA applications, authorizes an amicus to be appointed to cases involving political activity, and enhances oversight by Congress and creates a new Office of Compliance.

These reforms are an astonishing accomplishment in a period of divided government. That just tells you how important FISA reforms and checks and balances truly are.

Outside this Chamber, there are quotes from famous Americans who dedicated their lives to preserving American freedom.

One of those individuals, Patrick Henry, was so passionate about his defense of freedom that he famously said: ''Give me liberty or give me death.'' We can learn a lot from Henry's total devotion to the American cause.

We can learn a lot from those who are willing to stand up to oppressive Big Government, who would use an arm illegally against the check and balance just to try to have an outcome in a political race.

We could thank those like DEVIN, who stood for the American public and the truth, or those in other committees who helped work on this, the JIM JORDANS, the DOUG COLLINSes, that we would not be here today and getting a new compliance office, a check and balance to make sure what happened in 2016 cannot happen again.

I do urge all my colleagues to vote ''yes.'' I do urge that this is a turning point, that even though in these committees they could have told us, and they did, that there was nothing wrong, that we had to continue to fight to get an inspector general to have the truth.

Now, we have a check and balance that we will not have to wait for that. Even if somebody tries to use it in the wrong manner, it cannot happen again.

Mr. SCHIFF. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Madam Speaker, I am especially thankful to Chairman SCHIFF for yielding me this time since I have reached a different conclusion on the bill than he has.

I would like to quote from the American Civil Liberties Union letter received today. The American Civil Liberties Union strongly urges us to vote ''no'' on this bill.

They say: ''Over the last several years, it has been abundantly clear that many of our surveillance laws are broken.'' But that, ''disappointingly, the reforms contained in H.R. 6172 are minimal—in many cases merely representing a codification of the status quo. In addition,'' the ACLU says, ''the bill contains provisions that would be a step back from even our flawed current law.''

The ACLU goes on to say that ''the bill fails to require that individuals receive appropriate notice and access to information when FISA information is used against them,'' that ''the bill fails to fully address deficiencies with the FISA court that have led to illegal surveillance,'' that ''the bill fails to appropriately limit the types of information that can be collected under section 215,'' that ''the bill fails to appropriately raise the standard for collecting information under section 215,'' and that ''the bill fails to appropriately limit the retention of information collected under section 215.''

I agree with the chairman that the roving wiretap provision in the act is important and should be renewed. But I cannot support the bill that is before us today, and I say that with tremendous respect for Chairman SCHIFF. We have had very candid and useful discussions. I appreciate the effort that he has put into this.

I have put in a lot of effort, too. But in the end, we have a bill that I think should not be supported. I intend to vote ''no,'' with tremendous respect for the chairman and the effort that he has put into this.

Mr. NUNES. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I appreciate my friend yielding to me, and I appreciate my colleague, Ms. LOFGREN's comments.

Any law that is based on a lie has a good chance of being a problem. The lie starts with the initial FISA, the Foreign Intelligence Surveillance Act. Yet, it is not foreign.

Now, since I have been here, whether it is the PATRIOT Act or reauthorizing the FISA court, we are told: Look, American citizens have nothing to worry about because the only American citizen that gets caught up through the FISA court is somebody that is dealing with a known foreign terrorist or a known foreign organization engaged in terrorism. You know, just avoid dealing with terrorists, and you are going to be okay.

The problem is, I keep hearing, this is a good first step. No, this isn't the first step. This is the last step, and as my friend Ms. LOFGREN said, it doesn't go far enough.

As my friend MICHAEL CLOUD said, under the current bill, they ignored the penalty for lying to the judge, which was a 5-year sentence. Now, under the new law, they can ignore an 8-year sentence. That doesn't really help preserve anybody's rights.

This was not done in the committee. It did not have proper debate. The secret court had the bill pulled away from the full committee, so we couldn't debate it. We couldn't discuss it, and it was pulled into a secret negotiation that many of us were not part of.

Look, having the Attorney General sign it doesn't work either, and it shouldn't be a special category for Federal elected officials. In fact, what it should be is all Americans.

Acting Attorney General Rosenstein, he signed off on one of the applications himself. Obviously, that is not a deterrent.

We need to fix the FISA court. This doesn't do it, and I will vote ''no'' until we have adequate reforms that do.

Mr. SCHIFF. Madam Speaker, I have no further speakers. I reserve the balance of my time.

Mr. NUNES. Madam Speaker, I yield 3 minutes to the gentleman from Utah (Mr. STEWART).

Mr. STEWART. Madam Speaker, let me state a fact. FISA has been abused by those who are trusted with authority, and we can't let it happen again.

This is what we know are also facts: An opposing campaign paid a foreign citizen to dig up dirt on President Trump and his campaign associates. These allegations—produced, by the way, by a foreign citizen—came to be known as the Steele dossier. The campaign then fed these bogus allegations through the administration, to include leadership at the FBI, the CIA, the Department of Justice, and even the State Department. Then, the FBI shamefully used these bogus allegations as the basis for a secret wiretap, of course, on the famous Mr. Carter Page.

The FBI deliberately hid the fact that these allegations were both known to be bogus and the fact that the campaign had paid for them. The application on Mr. Page cited a news article corroborating these allegations, but the FBI hid from the court the fact that they knew the source of these articles was the author of the dossier.

We discovered that the FBI and DOJ investigators in this case demonstrated enormous bias against the Trump campaign with such words as: we will stop him; he won't become President; viva la resistance.

Finally, the inspector general revealed that an FBI attorney altered a

document to deceive the court regarding Mr. Page's relationship with another agency.

These are shocking abuses of power, and the reforms in this bill will stop them from ever happening again.

I am proud to have been the author of the bill that is the basis for some of these reforms.

It requires an amicus review for applications against U.S. citizens when their First Amendment rights are in question.

It requires the court to maintain a transcript. I have read this FISA application. It begs for questions to be asked. We don't know if the judges were curious or asked obvious questions because we don't have a transcript.

It requires the government to keep a log.

It enhances penalties for up to 8 years for those who improperly surveil or deceive the court. It allows agencies to take immediate action, including termination, of those who do.

Madam Speaker, it is incumbent on us, as an institution, to ensure these abuses simply don't happen again. The USA FREEDOM Reauthorization Act will accomplish this.

Let me end by saying this: To those who oppose this bill, if you vote against this bill, you keep the status quo. FISA remains in place. The ability to abuse FISA doesn't change.

Vote ''yes'' on this bill or accept future abuse. That is the choice we have before us. I hope that we don't do that.

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

Mr. NUNES. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. Madam Speaker, I rise today in support of the USA FREEDOM Reauthorization Act of 2020.

I would also like to associate myself with the comments of my friend and colleague from Utah (Mr. STEWART).

I also acknowledge and applaud the efforts of the distinguished gentleman from California (Mr. NUNES), whose tenacity brought this to bear. I appreciate his leadership on this issue.

This is a bipartisan piece of legislation that makes urgent and necessary reforms to the FISA process, which, as Inspector General Horowitz found 3 months ago, was misused to conduct illegal surveillance on Carter Page, a U.S. person.

This bill enhances requirements on the FBI and DOJ to ensure all applications are accurate and complete. This bill creates a compliance officer at the FBI who is directly responsible for making sure FBI agents are following the law.

This bill heightens criminal penalties to deter bad actors and other layers of review to root them out.

Finally, the bill reauthorizes three counterterrorism tools that are significantly important to our national security.

Madam Speaker, I rise to support this bill, and I urge a ''yes'' vote from my colleagues.

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

Just a couple of comments for some of my colleagues who I know are concerned that this doesn't go far enough.

One of the concerns they have is that there is an ongoing investigation led by the U.S. attorney out of Connecticut, and there is a lot of consternation on our side of the aisle that nothing has been done yet.

I want to assure my colleagues that even if that gets to a point where people are held accountable for what we believe to be criminal activity, these reforms in this new piece of legislation where we opened up title I, we believe that we have all the reforms that are necessary to prevent this malfeasance from happening again in the future.

□ 1615

If this doesn't work and if this does happen again, I think then you will have what some people want, which is a complete elimination of the court and this entire system.

I hope that we don't get to that point in this country, because these tools have worked well as long as the people who are conducting and using these surveillance capabilities don't decide to turn them on political opponents.

So I want to, you know, assure my colleagues on this side of the aisle that we feel like these reforms are as far as we need to go at this time, no matter what the ultimate conclusion is of the U.S. attorney out of Connecticut on whether or not to bring charges against those who perpetrated these crimes and criminal activity.

Madam Speaker, I am prepared to close at this time.

In closing, the weaponization of FISA, as exhibited in 2016, should never have happened, and this bill aims to prevent future gross abuses from occurring again.

I would like to thank my staff, particularly Allen Souza, Laura Casulli, Meghan Green, Andrew House, and Betsy Hulme, for all their efforts to reach this bipartisan compromise. They worked many, many hours with Members of both parties and colleagues of both parties, staff of both parties, from the Judiciary Committee and the Republican and Democratic leadership, to reach this bipartisan compromise.

I am also fairly confident, with the remarks that have been made on the Senate side, that this will be a rare opportunity where we actually pass a bill, and it appears like the Senate is prepared to accept a complete House-produced product, which I think means a lot to everyone involved in this process, that that rarely happens, especially in this day and age.

Madam Speaker, I urge adoption of H.R. 6172, and I yield back the balance of my time.

Mr. SCHIFF. Madam Speaker, I yield myself the balance of my time.

I want to, for my Democratic colleagues, provide a reality check on some of what they have heard during this debate.

It is important to remember that the inspector general report—which, by the way, doesn't go to the expiring provisions that we are here to authorize today. But the inspector general report found no evidence of spying on the Trump campaign.

The inspector general found no evidence of political bias influencing decisionmaking in the investigation of the Trump campaign and its connections to Russia during the 2016 election.

The inspector general found that the investigation, in fact, was properly predicated, that investigation into many of the more than 100 unexplained and often falsely denied contacts between the Trump campaign and the Russians during the 2016 campaign, including a notorious secret meeting in Trump Tower between the President's son, son-in-law, and campaign chairman with a Russian delegation that was set up by a series of emails in which a Russian delegation offered dirt on Hillary Clinton to the Trump campaign, and the President's son, on behalf of that campaign, said that he would love it and set up that secret meeting. Now, my colleagues don't think that is collusion; the American people do.

Bob Mueller, for his part, much as his report has been misrepresented, makes it clear in the very first pages of the report that he does not address the issues of collusion, only whether he can prove criminal conspiracy.

So it is important, with that reality check, to once again return to the bill before us. With respect to the bill before us, we do make important changes to strengthen the privacy protections, the civil liberties protections. We also retain the important tools necessary to help protect the country, the business records provision, the lone-wolf provision, as well as the roving wiretaps.

The roving wiretap provision, for example, allows the government, when someone, for example, in the midst of planning a crime of terrorism uses phones disposably and goes from one phone to another, it is not necessary to go and get a new warrant every time they change phones. The warrant can follow the individual rather than the phone.

The business records provision has also been very important in terms of our efforts at foreign intelligence gathering as well as counterterrorism. Those authorities would be retained, but new protections would be put in place such that business records couldn't be retained more than 5 years unless certain exceptions applied, protections where, if business records gathered in the FISA context are used in a criminal proceeding, there is notice given to people that they are being used in a criminal proceeding.

There is expansion of the amicus authorities so that we have the amicus

involved in a broader scope of cases so the court has the advantage of independent judgment.

Some of those reforms come out of the inspector general's recommendations and looking into the FISA application involving Carter Page. Many of those recommendations have nothing to do with Carter Page and are longstanding interests of the privacy community in trying to strengthen some of the privacy protections.

I also want to take this opportunity to thank Representative LOFGREN and Representative JAYAPAL. We worked extensively, have spent hours ourselves, our staff, consulting and trying to make this a better and stronger bill. While I regret that we couldn't get it to the point where those two esteemed Members felt they could support the bill, nonetheless, their input made this bill better, and I am grateful for their hard work and advocacy on behalf of a stronger privacy and civil liberties protection.

This vote today is the culmination of many months of negotiations. Therefore, with our diverse Caucus, with our friends in the other party who, as you have heard today, we have strong disagreements over the Russia investigation, the Trump campaign's conduct, as well as the FISA process, but, nonetheless, in the interest of our Nation's security, we were able to get to common ground on this measure, giving the government the critical tools it needs to protect the country while advancing civil liberties and privacy rights.

This bill creates a much-needed change to the way government uses FISA, ensures the government is more transparent and accountable, and I urge my colleagues to support the bill.

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

Mr. COLLINS of Georgia. Madam Speaker, in 2016, our nation's premier law enforcement agency, the Federal Bureau of Investigation, weaponized its authority to illegally surveil a U.S. citizen for political purposes.

What happened to Carter Page, then-candidate Trump, and the Trump campaign was wrong, and it is our responsibility to ensure it never happens again. The USA Freedom Reauthorization Act achieves that, but our work is far from done.

While this bill doesn't include every reform sought by Republicans, it does accomplish our central goal: To institute necessary safeguards to protect the civil liberties of every American and reauthorize critical counterterrorism provisions.

This bipartisan legislation also protects U.S. citizens from being spied on for political purposes by requiring that the Attorney General approve any investigation of an elected official or federal candidate. This provision directly addresses the abuses against Carter Page and the Trump campaign.

Some have claimed that provision prioritizes politicians over Americans. It does not. That provision addresses the real abuse documented by House Republicans and the DOJ Inspector General—abuse that strikes at the core of our democratic republic.

In addition to multiple other reforms, this legislation makes it a crime to willfully make a false statement to the court, and increases penalties for those who abuse the system. These provisions are aimed like a laser at the abuses that occurred in 2016 and 2017.

Madam Speaker, Congress must continue to conduct vigorous oversight and work with our law enforcement and intelligence communities to restore the American people's trust in these critical institutions.

Our government's primary duty is to protect its citizens and their constitutional rights, and every American should have confidence we're fulfilling that role.

I urge my colleagues to support this vitally important legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 891, 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. SCHIFF. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 278, nays 136, not voting 15, as follows:

[Roll No. 98]

YEAS—278

Adams
Aderholt
Aguilar
Allen
Allred
Amodei
Armstrong
Arrington
Axne
Babin
Bacon
Baird
Balderson
Banks
Barr
Bera
Bergman
Bilirakis
Bishop (GA)
Bishop (UT)
Blunt Rochester
Bost
Brady
Brindisi
Brooks (IN)
Brown (MD)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Carbajal
Cárdenas
Carson (IN)
Carter (TX)
Cartwright
Case
Casten (IL)
Castor (FL)
Chabot
Cheney
Cicilline
Cisneros
Clyburn
Cohen
Cole
Comer
Conaway
Cook
Cooper
Costa
Courtney
Cox (CA)
Craig
Crawford
Crenshaw
Crist
Crow
Cuellar
Cunningham
Curtis
Davids (KS)
Davis (CA)
Davis, Rodney
Dean
DeLauro
Delgado
Demings
Deutch
Diaz-Balart
Dunn
Engel
Escobar
Estes
Evans
Ferguson
Finkenauer
Fitzpatrick
Fleischmann
Fletcher
Foster
Foxx (NC)
Frankel
Gallagher
Gallego
Garamendi
Garcia (TX)
Gibbs
Gonzalez (OH)
Gonzalez (TX)
Gottheimer
Granger
Graves (MO)
Green (TN)
Grothman
Guest
Guthrie
Harder (CA)
Hartzler
Hastings
Hayes
Heck
Hern, Kevin
Higgins (NY)
Hill (AR)
Himes
Holding
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Hudson
Hurd (TX)
Jackson Lee
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jordan
Joyce (OH)
Joyce (PA)
Kaptur
Katko
Keating
Keller
Kelly (MS)
Kilmer
Kind
King (NY)
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamb
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee (NV)
Lesko
Levin (CA)
Lipinski
Loebsack
Lowey
Lucas
Luetkemeyer
Luria
Lynch
Malinowski
Maloney, Sean
Marshall
Matsui
McAdams
McBath
McCarthy
McCaul
McEachin
McHenry
McKinley
Meeks
Meuser
Mitchell
Moolenaar
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Murphy (NC)
Nadler
Napolitano
Neal
Newhouse
Norcross
Nunes
O'Halleran
Olson
Palmer
Panetta
Pappas
Pascrell
Payne
Pence
Perlmutter
Peters
Peterson
Phillips
Porter
Price (NC)
Quigley
Reed
Reschenthaler
Rice (NY)
Rice (SC)
Richmond
Riggleman
Roby
Rogers (AL)
Rogers (KY)
Rose (NY)
Rouda
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rutherford
Ryan
Sánchez
Sarbanes
Scalise
Scanlon
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sewell (AL)
Shalala
Sherman
Sherrill
Shimkus
Simpson
Sires
Slotkin
Smith (NE)
Smith (NJ)
Smucker
Soto
Spanberger
Spano
Stanton
Stauber
Stefanik
Steil
Steube
Stevens
Stewart
Stivers
Suozzi
Swalwell (CA)
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Timmons
Torres Small (NM)
Trone
Turner
Underwood
Upton
Vargas
Veasey
Vela
Visclosky
Wagner
Walorski
Waltz
Wasserman Schultz
Watkins
Wenstrup
Westerman
Wexton
Wild
Wilson (FL)
Womack
Woodall
Young

NAYS—136

Abraham
Amash
Barragán
Bass
Beatty
Biggs
Bishop (NC)
Blumenauer
Bonamici
Boyle, Brendan F.
Brooks (AL)
Buck
Budd
Burchett
Carter (GA)
Castro (TX)
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cline
Cloud
Connolly
Correa
Davidson (OH)
Davis, Danny K.
DeFazio
DeGette
DelBene
DeSaulnier
DesJarlais
Dingell
Doggett
Doyle, Michael F.
Duncan
Emmer
Eshoo
Espaillat
Flores
Fudge
Fulcher
Gabbard
García (IL)
Gianforte
Gohmert
Golden
Gomez
Gooden
Graves (LA)
Green, Al (TX)
Griffith
Grijalva
Haaland
Hagedorn
Harris
Herrera Beutler
Hice (GA)
Higgins (LA)
Hollingsworth
Huffman
Huizenga
Jayapal
Jeffries
Kelly (IL)
Kelly (PA)
Kennedy
Khanna
Kildee
Kim
King (IA)
Lamborn
Lee (CA)
Levin (MI)
Lieu, Ted
Lofgren
Long
Loudermilk
Lowenthal
Luján
Maloney, Carolyn B.
Marchant
Massie
Mast
McClintock
McCollum
McGovern
McNerney
Meng
Mooney (WV)
Moore
Neguse
Norman
Ocasio-Cortez
Omar
Pallone
Perry
Pingree
Pocan
Posey
Pressley
Raskin
Rodgers (WA)
Roe, David P.
Rose, John W.
Roy
Rush
Schakowsky
Schweikert
Serrano
Smith (MO)
Smith (WA)
Takano
Tipton
Titus
Tlaib
Tonko
Torres (CA)
Trahan
Van Drew
Velázquez
Walberg
Walden
Walker
Waters
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Williams
Wilson (SC)
Wittman
Wright
Yarmuth
Yoho
Zeldin

NOT VOTING—15

Beyer	Gosar	Mullin
Brownley (CA)	Graves (GA)	Palazzo
Collins (GA)	Lewis	Ratcliffe
Fortenberry	Meadows	Rooney (FL)
Gaetz	Miller	Speier

□ 1703

Messrs. WEBER of Texas, BLUMENAUER, LONG, Mses. VELÁZQUEZ, ESHOO, BARRAGÁN, SCHAKOWSKY, Mr. DESAULNIER, Ms. KELLY of Illinois, Mr. CLEAVER, Ms. WATERS, Messrs. GREEN of Texas, RUSH, and Ms. PRESSLEY changed their vote from ''yea'' to ''nay.''

Messrs. KELLER, TIMMONS, and NORCROSS changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT OFFERED BY MR. BUCK OF COLORADO

Mr. BUCK. Madam Speaker, I have an amendment at the desk to correct the name of the bill to the ''Federal Initiative to Spy on Americans (FISA) Act.''

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

The Clerk read as follows:

Amend the title so as to read: ''A bill to be known as the Federal Initiative to Spy on Americans (FISA) Act''.

The SPEAKER pro tempore. Under clause 6 of rule XVI, the amendment is not debatable.

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BUCK of Colorado. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 35, noes 376, not voting 18, as follows:

[Roll No. 99]

AYES—35

Abraham	Duncan	Roe, David P.
Amash	Estes	Rose, John W.
Babin	Gohmert	Roy
Biggs	Griffith	Rush
Bishop (NC)	Harris	Schweikert
Bishop (UT)	Hice (GA)	Van Drew
Brooks (AL)	Kelly (PA)	Weber (TX)
Buck	Massie	Webster (FL)
Budd	McClintock	Wright
Burchett	Mooney (WV)	Yoho
Davidson (OH)	Perry	Young
DesJarlais	Posey	

NOES—376

Adams	Barr	Boyle, Brendan F.
Aderholt	Barragán	Brady
Aguilar	Bass	Brindisi
Allen	Beatty	Brooks (IN)
Allred	Bera	Brown (MD)
Amodei	Bergman	Buchanan
Armstrong	Bilirakis	Bucshon
Arrington	Bishop (GA)	Burgess
Axne	Blumenauer	Bustos
Bacon	Blunt Rochester	Butterfield
Baird	Bonamici	Byrne
Balderson	Bost	Calvert
Banks	Boyle, Brendan F.	Carbajal
Cárdenas	Guthrie	Meeks
Carson (IN)	Haaland	Meng
Carter (GA)	Hagedorn	Meuser
Carter (TX)	Harder (CA)	Mitchell
Cartwright	Hartzler	Moolenaar
Case	Hastings	Moore
Casten (IL)	Hayes	Morelle
Castor (FL)	Heck	Moulton
Castro (TX)	Hern, Kevin	Mucarsel-Powell
Chabot	Herrera Beutler	Murphy (FL)
Cheney	Higgins (LA)	Murphy (NC)
Chu, Judy	Higgins (NY)	Nadler
Cicilline	Hill (AR)	Napolitano
Cisneros	Himes	Neal
Clark (MA)	Holding	Neguse
Clarke (NY)	Hollingsworth	Newhouse
Clay	Horn, Kendra S.	Norcross
Cleaver	Horsford	Norman
Cline	Houlahan	Nunes
Cloud	Hoyer	O'Halleran
Clyburn	Hudson	Ocasio-Cortez
Cohen	Huffman	Olson
Cole	Huizenga	Omar
Comer	Hurd (TX)	Pallone
Conaway	Jackson Lee	Panetta
Connolly	Jayapal	Pappas
Cook	Jeffries	Pascrell
Cooper	Johnson (GA)	Payne
Correa	Johnson (LA)	Pence
Costa	Johnson (OH)	Perlmutter
Courtney	Johnson (SD)	Peters
Cox (CA)	Johnson (TX)	Peterson
Craig	Jordan	Phillips
Crawford	Joyce (OH)	Pingree
Crenshaw	Joyce (PA)	Pocan
Crist	Kaptur	Porter
Crow	Katko	Pressley
Cuellar	Keating	Price (NC)
Cunningham	Keller	Quigley
Curtis	Kelly (IL)	Raskin
Davids (KS)	Kelly (MS)	Reed
Davis (CA)	Kennedy	Reschenthaler
Davis, Danny K.	Khanna	Rice (NY)
Davis, Rodney	Kildee	Rice (SC)
Dean	Kilmer	Richmond
DeFazio	Kim	Riggleman
DeGette	Kind	Roby
DeLauro	King (IA)	Rodgers (WA)
DelBene	King (NY)	Rogers (KY)
Delgado	Kinzinger	Rose (NY)
Demings	Kirkpatrick	Rouda
DeSaulnier	Krishnamoorthi	Rouzer
Deutch	Kuster (NH)	Roybal-Allard
Diaz-Balart	Kustoff (TN)	Ruiz
Dingell	LaHood	Ruppersberger
Doggett	LaMalfa	Rutherford
Doyle, Michael F.	Lamb	Ryan
Dunn	Lamborn	Sánchez
Emmer	Langevin	Sarbanes
Engel	Larsen (WA)	Scalise
Escobar	Larson (CT)	Scanlon
Eshoo	Latta	Schakowsky
Espaillat	Lawrence	Schiff
Evans	Lawson (FL)	Schneider
Ferguson	Lee (CA)	Schrader
Finkenauer	Lee (NV)	Schrier
Fitzpatrick	Lesko	Scott (VA)
Fleischmann	Levin (CA)	Scott, Austin
Fletcher	Levin (MI)	Scott, David
Flores	Lieu, Ted	Sensenbrenner
Foster	Loebsack	Serrano
Foxx (NC)	Lofgren	Sewell (AL)
Frankel	Long	Shalala
Fudge	Loudermilk	Sherman
Fulcher	Lowenthal	Sherrill
Gabbard	Lowey	Shimkus
Gallagher	Lucas	Simpson
Gallego	Luetkemeyer	Sires
Garamendi	Luján	Slotkin
García (IL)	Luria	Smith (MO)
Garcia (TX)	Lynch	Smith (NE)
Gianforte	Malinowski	Smith (NJ)
Gibbs	Maloney, Carolyn B.	Smith (WA)
Golden	Maloney, Sean	Smucker
Gomez	Marchant	Soto
Gonzalez (OH)	Marshall	Spanberger
Gonzalez (TX)	Mast	Spano
Gooden	Matsui	Stanton
Gottheimer	McAdams	Stauber
Granger	McBath	Stefanik
Graves (LA)	McCarthy	Steil
Graves (MO)	McCaul	Steube
Green (TN)	McCollum	Stevens
Green, Al (TX)	McEachin	Stewart
Grijalva	McGovern	Stivers
Grothman	McHenry	Suozzi
Guest	McKinley	Swalwell (CA)
	McNerney	Takano
		Taylor
		Thompson (CA)
		Thompson (MS)
		Thompson (PA)
		Thornberry
		Timmons
		Tipton
		Titus
		Tlaib
		Tonko
		Torres (CA)
		Torres Small (NM)
		Trahan
		Trone
		Turner
		Underwood
		Upton
		Vargas
		Veasey
		Vela
		Velázquez
		Visclosky
		Wagner
		Walberg
		Walden
		Walker
		Walorski
		Waltz
		Wasserman Schultz
		Waters
		Watkins
		Watson Coleman
		Welch
		Wenstrup
		Westerman
		Wexton
		Wild
		Williams
		Wilson (FL)
		Wilson (SC)
		Wittman
		Womack
		Woodall
		Yarmuth
		Zeldin

NOT VOTING—18

Beyer	Graves (GA)	Palazzo
Brownley (CA)	Lewis	Palmer
Collins (GA)	Lipinski	Ratcliffe
Fortenberry	Meadows	Rogers (AL)
Gaetz	Miller	Rooney (FL)
Gosar	Mullin	Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1713

Mr. RUSH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING THE REMOVAL OF UNITED STATES ARMED FORCES FROM HOSTILITIES AGAINST THE ISLAMIC REPUBLIC OF IRAN THAT HAVE NOT BEEN AUTHORIZED BY CONGRESS

The SPEAKER pro tempore (Ms. JAYAPAL). Pursuant to clause 1(c) of rule XIX, further consideration of the joint resolution (S.J. Res. 68) to direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress, will now resume.

The Clerk read the title of the joint resolution.

MOTION TO COMMIT

Mr. MCCAUL. Madam Speaker, I have a motion to commit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. MCCAUL. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. McCaul moves to commit the joint resolution S.J. Res. 68 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith, with the following amendment:

After paragraph (5) of section 1, insert the following:

(6) For more than two decades, Qassem Soleimani posed a deadly threat to American personnel and interests as commander of the Quds Force of the Islamic Revolutionary Guard Corps, which is responsible for Iran's extraterritorial military and clandestine operations. His activities to fund and train Iran's terrorist proxies in Iraq, Syria, Lebanon, Bahrain, Yemen, and Afghanistan led