problematic profiling at fusion centers, particularly regarding bulletins and intelligence reports circulated by fusion centers. These are a few examples:

The February 2009 ''Prevention Awareness Bulletin,'' circulated by a Texas fusion center, described apparently peaceful Muslim lobbying groups as ''providing an environment for terrorist organizations to flourish'' and warned that ''the threats to Texas are significant.'' The bulletin called on law enforcement officers to report activities such as Muslim ''hip hop fashion boutiques, hip hop bands, use of online social networks, video sharing networks, chat forums and blogs.''

A Missouri-based fusion center issued a February 2009 report describing peaceful support for the presidential campaigns of Ron Paul or third party candidates, possession of the iconic ''Don't Tread on Me'' flag, and anti-abortion activism as signs of membership in domestic terrorist groups.

The Tennessee Fusion Center listed a letter from the American Civil Liberties Union (ACLU) to public schools on its online map of ''Terrorism Events and Other Suspicious Activity.'' The letter had lawfully advised schools that holiday celebrations focused exclusively on Christmas were an unconstitutional government endorsement of religion.

The Virginia Fusion Center's 2009 Terrorism Risk Assessment Report described peaceful student groups at Virginia's historically black colleges as potential breeding grounds for terrorism and characterized the ''diversity'' surrounding a military base as a possible threat.

Additional allegations of monitoring of constitutionally-protected speech, including by DHS Megacenters, were revealed by FOIA requests made by the PCJF. Just a few of many examples are included below:

An October 5, 2011 document reflects that the DHS Philadelphia Megacenter was monitoring the OWS demonstration in New York, titled ''Demonstration-Peaceful/Planned,'' and reporting on assembly and movements ''peacefully protesting union solidarity issues.''

An October 30, 2011 document shows DHS' Battle Creek Megacenter also reporting that a ''peaceful/unplanned'' ''Occupy Wall Street demonstration [was] taking place in Ilus W. Davis Park in Kansas City, MO.''

The Boston Regional Intelligence Center (BRIC), a fusion center, focused resources on monitoring and reporting on peaceful protest activity in Boston during 2011.

The intent of Congress with this legislation is to place strict limitations on DHS involvement with and funding of ''Fusion Centers,'' due to these serious reports that they may be violating the constitutional rights of citizens. To avoid the grave risk that this poses or could pose to the exercise of the free speech rights that are fundamental to our democracy, in addition to threats to constitutional protections against unreasonable invasions of privacy, Congress intends to prohibit any DHS cooperation with, or funding of, any ''Fusion Centers'' or similar entities (e.g. ''Megacenters'') that have not established and strictly adhered to the following best civil liberties practices, drawn from the proposals made by an esteemed bipartisan team of leading constitutional law experts (arranged by specific topic):

PROFILING AND DATA COLLECTION

1. Fusion centers shall establish guidelines that clearly prohibit their personnel from engaging in racial and religious profiling. In determining when to collect and share information, the guidelines shall focus on behaviors that raise a reasonable suspicion of criminal activity or evidence of wrongdoing. Race, national origin, ethnicity and religious belief may not be considered as factors that create suspicion, and may only be used as factors in alerts if they are included as part of a specific suspect's description. The guidelines shall also specify that political association and the peaceful exercise of constitutionally protected rights may not be relied upon as factors that create suspicion of wrongdoing.

2. Fusion centers shall ensure that their personnel are properly trained on the constitutional rights of free expression, assembly, religion and equal protection.

3. Fusion centers shall ensure that individuals who instruct their personnel on intelligence analysis and terrorist threats are competent and well-qualified, and have themselves been trained in the constitutional rights discussed above.

SUSPICIOUS ACTIVITY REPORTING

Fusion centers shall carefully analyze suspicious activity reports to determine whether there is a likely connection to criminal or terrorist activity, and may only retain and disseminate suspicious activity reports if they demonstrate reasonable suspicion of such activity.

DATA MINIMIZATION

1. Fusion centers shall periodically review the information in their files to determine whether that information is accurate and of continuing relevance. The frequency of this review shall be made public by each fusion center or similar entity. Data retained by fusion centers shall be purged no later than five years after its collection unless its continued relevance can be demonstrated.

2. Fusion centers may collect and retain only the minimum amount of personally identifiable information necessary to serve their law enforcement purposes. Fusion centers may only use this personally identifiable information for the law enforcement purpose for which the information was collected.

AUDIT LOGS

1. Fusion centers shall ensure that immutable audit logs track all database activity.

2. Independent auditors shall review fusion center audit logs every two years and publish reports describing the use of fusion center databases and any abuses or unauthorized access.

DATA MINING

As set forth in The Constitution Project's report Principles for Government Data Mining, fusion centers shall act carefully to ensure that constitutional rights and values are respected if they engage in data mining or if the information in their databases is used for data mining by other government entities.

PRIVATE SECTOR PARTNERSHIPS

1. Fusion centers shall carefully limit the information that they disseminate to private sector entities. Personally identifiable information may be shared with private sector entities only to the extent necessary to carry out legitimate law enforcement or national security functions. Any data sharing with private entities beyond these prescribed limits must be specifically elaborated in a public statement or document, that is easily accessible by the general public, and specifies in detail the type of information being transferred and which private entities are involved.

2. Fusion centers may not collect information from private sector sources that they would otherwise be restricted by law from obtaining, nor can they obtain information produced American citizens without a warrant, probable cause that the conduct of that American is directly connected to terrorism or other criminal activity, or obtained written consent from that American to the Fusion Center.

MISSION STATEMENT

Fusion centers shall develop clear mission statements that express their purpose and the criteria upon which their performance can be evaluated. This should be completed within 3 months of the passage of this legislation.

TRANSPARENCY AND REDRESS

1. Fusion centers shall engage local communities by publicly explaining their mission, budget and staffing, and that information should be easily accessible to the general public.

2. Fusion centers shall publicize their privacy policies and the results of their compliance audits.

3. Fusion centers shall be equipped with effective redress processes by which individuals can, if necessary, review and correct or challenge information possessed by a fusion center.

4. Redress processes shall provide for the availability for review of complaints by an independent, security-cleared arbiter, with a right of appeal to a higher-level independent state or local authority.

5. Redress processes shall be well-publicized.

6. Redress processes shall ensure that corrections are disseminated across DHS databases.

DHS AND MEDICAL MARIJUANA

It is the intent of Congress that full Fourth Amendment protection extends to medical marijuana users, regardless of the status of marijuana under federal law. Specifically, DHS's legitimate efforts to prevent illegal immigration and drug smuggling do not justify relaxation of Fourth Amendment protections for medical marijuana users, even in border areas.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

SPEECH OF

### HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 12, 2013*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 1960) to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. McKEON. Mr. Chair, I submit the following exchange of letters:

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

*Washington, DC, June 7, 2013.*

Hon. HOWARD P. ''BUCK'' MCKEON,

*Chairman, Committee on Armed Services, U.S. House of Representatives, Washington, DC.*

DEAR CHAIRMAN MCKEON: I am writing to you concerning the jurisdictional interest of

the Committee on Science, Space, and Technology in H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014.

Our Committee recognizes the importance of H.R. 1960 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This is, of course, conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science, Space, and Technology.

Further, I request your support for the appointment of Science, Space, and Technology Committee conferees during any House-Senate conference convened on this and any similar legislation. I also ask that a copy of this letter and your response acknowledging our jurisdictional interest be placed in the legislative report on H.R. 1960 and the Congressional Record during consideration of this measure on the House floor.

I look forward to working with you on this important legislation.

Sincerely,

LAMAR SMITH,
*Chairman.*

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COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 7, 2013.*

Hon. LAMAR SMITH,
*Chairman, House Committee on Science, Space, and Technology, Washington, DC.*

DEAR CHAIRMAN SMITH: Thank you for your letter regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. I agree that the Committee on Science, Space, and Technology has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Science, Space, and Technology is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
*Washington, DC, June 5, 2013.*

Hon. HOWARD ''BUCK'' MCKEON,
*Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*

DEAR MR. MCKEON: I am writing to you concerning the jurisdictional interest of the Committee on Natural Resources in matters being considered in H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014.

Our committee recognizes the importance of H.R. 1960 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Natural Resources and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on Natural Resources also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

DOC HASTINGS,
*Chairman.*

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COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 7, 2013.*

Chairman DOC HASTINGS,
*House Committee on Natural Resources, Washington, DC.*

DEAR CHAIRMAN HASTINGS: Thank you for your letter regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. I agree that the Committee on Natural Resources has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Natural Resources is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
*Washington, DC, June 7, 2013.*

Hon. HOWARD ''BUCK'' MCKEON,
*Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*

DEAR MR. MCKEON: I write to confirm our mutual understanding regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. The section provisions attached to this letter contain subject matter within the jurisdiction of the Committee on Veterans Affairs. However, in order to expedite floor consideration of this important legislation, the committee waives consideration of these provisions.

The Committee on Veterans Affairs takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 1960 on the House Floor. Thank you for your attention to these matters.

With warm personal regards I am,

Sincerely,

JEFF MILLER,
*Chairman.*

Attachment.

SECTION PROVISIONS

Section 524—Contents of Transition Assistance Program.

Section 552—Protection of Child Custody Arrangements For Parents Who Are Members of the Armed Forces.

Section 553—Treatment of Relocation of Members of the Armed Forces for Active Duty for Purposes of Mortgage Refinancing.

Section 584—Recodification and Revision of Army, Navy, Air Force, and Coast Guard Medal of Honor Roll Requirements.

Section 592—Authority to Enter into Concessions Contracts at Army National Military Cemeteries.

Section 1421—Authority for Transfer of Funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 7, 2013.*

Hon. JEFF MILLER,
*Chairman, House Committee on Veterans' Affairs, Washington, DC.*

DEAR CHAIRMAN MILLER: Thank you for your letter regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. I agree that the Committee on Veterans' Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Veterans' Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
*Washington, DC, June 7, 2013.*

Hon. HOWARD P. ''BUCK'' MCKEON,
*Chairman, Committee on Armed Services, U.S. House of Representatives, Washington, DC.*

DEAR CHAIRMAN MCKEON: I write to confirm our mutual understanding regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014, which contains substantial matter that falls within the Rule X legislative jurisdiction of the Foreign Affairs Committee. I appreciate the cooperation that allowed us to work out mutually agreeable text on numerous matters prior to your markup.

Based on that cooperation and our associated understandings, the Foreign Affairs Committee will not seek a sequential referral or object to floor consideration of the bill text approved at your Committee markup. However, this decision in no way diminishes or alters the jurisdictional interests of the Foreign Affairs Committee in this bill, any subsequent amendments, or similar legislation. I request your support for the appointment of House Foreign Affairs conferees during any House-Senate conference on this legislation.

As the committee with legislative jurisdiction over U.S. intervention abroad and declarations of war, and as the traditional committee of sole referral for legislative authorizations for the use of military force (including the post-9/11 AUMF enacted as Public Law 107–40), the Foreign Affairs Committee requires knowledge of where, and against whom, such authority is used. For that reason, I appreciate your commitment to add the Foreign Affairs Committee as a recipient of the reporting required by section 1038 of the Chairman's mark, and to include additional language in your Committee report to expressly note that any reports required by section 1041 are in addition to War Powers Resolution (P.L. 93–148) reporting, which should continue.

Finally, I respectfully request that you include this letter and your response in your committee report on the bill, and in the Congressional Record during consideration of H.R. 1960 on the House floor.

Sincerely,

EDWARD R. ROYCE,
*Chairman.*

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 7, 2013.*

Chairman EDWARD R. ROYCE,
*House Committee on Foreign Affairs, Washington, DC.*

DEAR CHAIRMAN ROYCE: Thank you for your letter regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. I agree that the Committee on Foreign Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Foreign Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

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COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES
*Washington, DC, June 7, 2013.*

Hon. HOWARD P. ''BUCK'' MCKEON,
*Chairman, Committee on Armed Services, House of Representatives, Washington, DC*

DEAR CHAIRMAN MCKEON: I write concerning H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014, as amended. There are certain provisions in the legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

However, in order to expedite floor consideration of this legislation, the Committee will forgo action on this bill. This, of course, is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 1960 and into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

BILL SHUSTER,
*Chairman.*

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COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 7, 2013.*

Chairman BILL SHUSTER,
*House Committee on Transportation and Infrastructure, Washington, DC.*

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, June 7, 2013.*

Hon. HOWARD ''BUCK'' MCKEON,
*Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*

DEAR CHAIRMAN MCKEON: I am writing to you concerning the jurisdictional interest of the Committee on the Judiciary in matters being considered in H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014.

Our committee recognizes the importance of H.R. 1960 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on the Judiciary, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on the Judiciary also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

BOB GOODLATTE,
*Chairman.*

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COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 7, 2013.*

Chairman BOB GOODLATTE,
*House Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. I agree that the Committee on the Judiciary has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on the Judiciary is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
*Washington, DC, June 7, 2013.*

Hon. HOWARD ''BUCK'' MCKEON,
*Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Oversight and Government Reform in matters being considered in H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014.

Our committee recognizes the importance of H.R. 1960 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Oversight and Government Reform, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House.

The Committee on Oversight and Government Reform also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

DARRELL ISSA,
*Chairman.*

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COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 7, 2013.*

Chairman DARRELL ISSA,
*House Committee on Oversight and Government Reform, Washington, DC.*

DEAR CHAIRMAN ISSA: Thank you for your letter regarding H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. I agree that the Committee on Oversight and Government Reform has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Oversight and Government Reform is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2014

SPEECH OF

### HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 2013*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2217) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014, and for other purposes:

Mr. GRAYSON. Mr. Chair, I rise to describe the intent of Congress with regard to H. AMDT. 124 to H.R. 2217, the ''Department of Homeland Security Appropriations Act, 2014''. My amendment reads as follows:

''None of the funds made available by this Act may be used in contravention of the First, Second, or Fourth Amendments to the Constitution of the United States.''

The intent of Congress is to prohibit the U.S. Department of Homeland Security (DHS) from contravening First, Second, or Fourth Amendment constitutional rights. Congress intends to prohibit DHS from cooperating with any public or private entity, organization, or agency of any kind to violate those constitutional rights, including, but not limited to, those agencies that are within the DHS structure: U.S. Customs and Border Protection, U.S. Citizen and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Coast