

Statement for the Record
Representative Darrell Issa (CA-49)
The USA FREEDOM Act

May 22, 2014

Government should protect our liberties, not violate them. Individuals and businesses alike must be able to trust their government to work for them- not spy on them. The NSA's bulk collection of Americans' phone records threatens our constitutional liberties.

We have the opportunity to pass legislation that both limits the reach of the NSA and provides the transparency to lawmakers and the American people necessary to prevent abusive practices from happening again. We have the opportunity to begin to restore the trust of the American people.

The original and Committee-passed versions of the USA FREEDOM Act struck a careful balance between our liberty and our security, providing the reforms necessary to restore trust. I was proud to be an original co-sponsor of this bill, and commend Representative Jim Sensenbrenner and Chairman Bob Goodlatte for their work to protect our civil liberties.

Unfortunately, the floor-version of the USA FREEDOM Act falls short of our goal.

This legislation would still allow for the mass collection of information. The Committee-passed legislation required court orders to be based on "specific-selection terms"- which was defined as a "person, entity or account." The floor version broadens the scope of "specific-selection term" by defining it as a "discrete term." This ambiguous legal phrase does not have defined limitations, and could capture millions of individuals' information.

The existing data collection programs that were revealed to the American people within the last year are unacceptable, and we must not only legislate stronger safeguards for intelligence gathering but must vigorously conduct oversight to prevent constitutional intrusions by big government. Of the few transparency requirements left in the bill, significant construction of law made by the Foreign Intelligence Surveillance Court (FISC) would be reviewed for declassification to the American people. However, the floor version of the bill transfers the authority to conduct declassification to the Director of National Intelligence, James Clapper. Last year, Director Clapper lied under oath to Congress when asked about the existence of programs that collect data on millions of Americans. I cannot in good conscious support legislation that would place the responsibility of transparency with a government official who has already violated the trust of the American people.

For these reasons, I will not support the floor version of the USA FREEDOM Act. I hope that my colleagues and I will be able to come together to enact reforms the American people deserve.