

## HR 6172

USA FREEDOM Reauthorization Act of 2020

**Congress:** 116 (2019–2021, Ended)

**Chamber:** House

**Policy Area:** Armed Forces and National Security

**Introduced:** Mar 10, 2020

**Current Status:** Message on House action received in Senate and at desk: House requests a conference.

**Latest Action:** Message on House action received in Senate and at desk: House requests a conference. (Jun 1, 2020)

**Official Text:** <https://www.congress.gov/bill/116th-congress/house-bill/6172>

### Sponsor

**Name:** Rep. Nadler, Jerrold [D-NY-10]

**Party:** Democratic • **State:** NY • **Chamber:** House

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Schiff, Adam B. [D-CA-28]	D · CA		Mar 10, 2020

### Committee Activity

Committee	Chamber	Activity	Date
Homeland Security Committee	House	Referred To	Mar 10, 2020
Intelligence (Permanent Select) Committee	House	Referred To	Mar 10, 2020
Judiciary Committee	House	Referred To	Mar 10, 2020
Oversight and Government Reform Committee	House	Referred To	Mar 10, 2020

### Subjects & Policy Tags

#### Policy Area:

Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
116 HRES 981	Related bill	<b>May 27, 2020:</b> Motion to reconsider laid on the table Agreed to without objection.
116 HRES 891	Procedurally related	<b>Mar 11, 2020:</b> Motion to reconsider laid on the table Agreed to without objection.
116 S 3421	Related bill	<b>Mar 9, 2020:</b> Read twice and referred to the Committee on the Judiciary.

## **USA FREEDOM Reauthorization Act of 2020**

This bill reauthorizes through December 1, 2023, provisions related to intelligence gathering under the Foreign Intelligence and Surveillance Act (FISA) and amends FISA-related provisions.

The Federal Bureau of Investigation may not seek certain FISA-authorized orders to obtain (1) call detail records on an ongoing basis, (2) a tangible thing where a person has a reasonable expectation of privacy and a warrant would typically be required, or (3) cellular or GPS location information.

A tangible thing obtained under FISA may be retained for no longer than five years except in certain instances, such as when a tangible thing is reasonably believed to be evidence of a crime. If the government intends to use information from a tangible thing obtained under FISA in a trial or other proceeding, it shall be treated as information obtained through electronic surveillance, unless a U.S. authority finds that notifying the person targeted would harm national security. (There are existing protections related to electronic surveillance, such as allowing the targeted person to move to suppress the disclosure of the obtained information in court.)

In applications for certain FISA-authorized orders to obtain information or conduct surveillance, the applicant must certify that the Department of Justice (DOJ) has received any information that might raise doubts about the application. The bill imposes additional requirements on FISA-authorized orders targeting (1) a U.S. person, or (2) a federal elected official or candidate.

The bill increases criminal penalties for violations related to electronic surveillance conducted under color of law or false statements made to the Foreign Intelligence Surveillance Court (FISA court). A U.S. government employee, officer, or contractor who engages in deliberate misconduct before a FISA court shall be subject to adverse actions, such as removal from the individual's position.

The bill broadens the criteria for when a FISA court decision shall be declassified and requires the declassification review and release of such opinions within 180 days of an opinion being issued.

The bill broadens the FISA court's authority to appoint an amicus curiae (an outside party that assists in consideration of a case) and expands such amici's powers, such as the power to ask the court to review a decision. An amicus may also seek the court's permission to address any novel or significant privacy or civil liberties issues arising in a case, even if the court did not ask for assistance on that issue. The FISA court may employ legal advisors to assist in considering any matter.

Each agency that submits applications to the FISA court shall appoint an officer responsible for compliance with FISA requirements.

An application for a FISA court order shall include all information in the government's possession that (1) is material to a ruling on the application, including any exculpatory information; or (2) calls into question the accuracy of the application or the accuracy of an assessment in the application, or otherwise raises doubts about a finding that is a required part of the application.

An application for a FISA court order shall include (1) a description of the procedures in place to ensure the accuracy and completeness of the application, and (2) a certification by the applying officer (or designee) that the officer or designee has reviewed the application and accompanying documentation for accuracy and completeness. A judge may not enter a

FISA court order unless the described accuracy and completeness procedures comply with requirements prescribed by this bill.

## Actions Timeline

---

- **Jun 1, 2020:** Message on House action received in Senate and at desk: House requests a conference.
- **May 28, 2020:** Mr. Nadler moved that the House disagree to the Senate amendments, and request a conference. (consideration: CR H2340-2346; text: CR H2340-2342)
- **May 28, 2020:** DEBATE - The House proceeded with one hour of debate on the motion to disagree to the Senate amendments and request a conference on H.R. 6172.
- **May 28, 2020:** On motion that the House disagree to the Senate amendments, and request a conference Agreed to by the Yeas and Nays: 284 - 122 (Roll no. 115).
- **May 28, 2020:** The Speaker appointed conferees: Nadler, Schiff, Lofgren, Jordan, and Nunes.
- **May 14, 2020:** Considered by Senate. (consideration: CR S2432-2441)
- **May 14, 2020:** Passed/agreed to in Senate: Passed Senate, under the order of 5/12/20, having achieved 60 votes in the affirmative, with amendments by Yea-Nay Vote. 80 - 16. Record Vote Number: 92.
- **May 14, 2020:** Passed Senate, under the order of 5/12/20, having achieved 60 votes in the affirmative, with amendments by Yea-Nay Vote. 80 - 16. Record Vote Number: 92.
- **May 14, 2020:** Message on Senate action sent to the House.
- **May 13, 2020:** Measure laid before Senate by unanimous consent. (consideration: CR S2388, S2396-2400, S2409-2412, S2414)
- **Mar 16, 2020:** Motion to proceed to measure considered in Senate. (CR S1748)
- **Mar 16, 2020:** Cloture motion on the motion to proceed to the measure withdrawn by unanimous consent in Senate. (CR S1753)
- **Mar 12, 2020:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 440.
- **Mar 12, 2020:** Motion to proceed to consideration of measure made in Senate. (CR S1735)
- **Mar 12, 2020:** Cloture motion on the motion to proceed to the measure presented in Senate. (CR S1735)
- **Mar 11, 2020:** Rule H. Res. 891 passed House.
- **Mar 11, 2020:** Considered under the provisions of rule H. Res. 891. (consideration: CR H1622-1637)
- **Mar 11, 2020:** Rule provides for consideration of S.J. Res. 68, H.R. 2486 and H.R. 6172. Resolution provides for consideration of S.J. Res. 68, the Senate amendment to H.R. 2486, and H.R. 6172. For S.J. Res. 68, the resolution provides for 1 hour of debate and 1 motion to commit. For the Senate amendment to H.R. 2486, the question will be divided and each portion will have 1 hour of debate. H.R. 6172 will have 1 hour of debate and 1 motion to recommit with or without instructions.
- **Mar 11, 2020:** DEBATE - The House proceeded with one hour of debate on H.R. 6172.
- **Mar 11, 2020:** DEBATE - The House resumed with debate on H.R. 6172.
- **Mar 11, 2020:** The previous question was ordered pursuant to the rule.
- **Mar 11, 2020:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 278 - 136 (Roll no. 98).
- **Mar 11, 2020:** On passage Passed by the Yeas and Nays: 278 - 136 (Roll no. 98). (text: CR H1622-1627)
- **Mar 11, 2020:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 11, 2020:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Mar 10, 2020:** Introduced in House
- **Mar 10, 2020:** Referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Oversight and Reform, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Mar 10, 2020:** Rules Committee Resolution H. Res. 891 Reported to House. Rule provides for consideration of S.J. Res. 68, H.R. 2486 and H.R. 6172. Resolution provides for consideration of S.J. Res. 68, the Senate amendment to H.R. 2486, and H.R. 6172. For S.J. Res. 68, the resolution provides for 1 hour of debate and 1 motion to commit. For the Senate amendment to H.R. 2486, the question will be divided and each portion will have 1 hour of debate. H.R. 6172 will have 1 hour of debate and 1 motion to recommit with or without instructions.