



**Remarks as delivered by  
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**Open Hearing: USA FREEDOM Act (H.R. 3361)  
Senate Select Committee on Intelligence**

**Location:** 216 Hart Senate Office Building, Washington, D.C.

**Date:** Thursday June 5, 2014

**Time:** 2:30 p.m. EDT

Chairman Feinstein, Vice Chairman Chambliss, and distinguished members of the Committee we are very pleased to appear before you to express the Administration's strong support for the USA Freedom Act, H.R. 3361, as recently passed by the House of Representatives. The Deputy Attorney General has provided an in-depth overview of the USA Freedom Act passed by the House last month, but I wanted to touch on a few key points in my remarks.

Over the past year, the nation has been engaged in a robust discussion about how the Intelligence Community uses its authorities to collect critical foreign intelligence in a manner that protects privacy and civil liberties. We take great care to ensure the protection of individual privacy and civil liberties in the conduct of intelligence activities. Nevertheless, we have continued to examine ways to increase the confidence of our fellow citizens that their privacy is being protected while at the same time providing the Intelligence Community with the authorities it needs to fulfil its mission and responsibilities.

To that end, we have increased our transparency efforts, and the Director of National Intelligence has declassified and released thousands of pages of documents about intelligence collection programs including court decisions, and a variety of other documents. We're continuing to do so.

These documents demonstrate the commitment of all three branches of government to ensuring these programs operate within the law and apply vigorous protections for personal privacy. It is important to emphasize that although the information released by the Director of National Intelligence was properly classified originally.

The DNI declassified it because the public interest in declassification outweighed the national security concerns that originally prompted classification. In addition to declassifying documents, we've already taken significant steps to allow the public to understand how we use the authorities in FISA, now and going forward. For example, we are currently working to finalize a transparency report that will outline on an annual basis the total number of orders issued under various FISA authorities and an estimate of the total number of targets affected by those orders.

Moreover, we recognize that it's important for companies to be able to reassure their customers about the limited number of people targeted by orders requiring the companies to provide information to the government. And so we support the provisions of the House bill that allow the companies to report information about the national security legal demands and law enforcement legal demands that they receive each year. We believe that this increased transparency provides the public with relevant information about the use of these legal authorities, while at the same time, protecting important collection capabilities.

Making adjustments to our intelligence activities – and, as appropriate, our authorities – is also part of this effort. For several years, the government has sought – and the FISA Court has issued – orders under Section 215 of the USA PATRIOT Act allowing the bulk collection of metadata about telephone calls. The President has ordered a transition that will end this bulk collection in a manner that maintains the tools intelligence agencies need for national security. We are committed to following this mandate.

The Intelligence Community believes that the new framework in the USA Freedom Act preserves the capabilities the Intelligence Community needs without the government holding this metadata in bulk. The USA Freedom Act would prohibit all bulk collection of records pursuant to Section 215, the Pen Register Trap and Trace provision of FISA, and National Security Letter statutes going forward. Let me repeat that: The Intelligence Community understands and will adhere to the Bill's prohibitions on all bulk collection under these authorities.

Moreover, the USA Freedom Act makes other important changes by further ensuring that individuals' privacy is appropriately protected without sacrificing operational effectiveness. To that end, we support the USA Freedom Act as an effective means of addressing the concerns that have been raised about the impact of our intelligence collection activities on privacy while preserving the authorities we need for national security.

We urge the Committee to give the House bill serious consideration, as expeditiously as possible, consistent with this Committee's deliberations. And we are ready to work with the Senate to clarify any language in the bill as necessary. We appreciate this committee's leadership and, particularly your support over the past year in considering issues related to our intelligence collection activities, and privacy and civil liberties.

We also appreciate your support for the men and women working throughout the Intelligence Community to include those at NSA who remain dedicated to keeping our nation safe and protecting our privacy, and who have upheld their oath by conducting themselves in accordance with our nation's laws.

We look forward to answering your questions.