

the FDA to allow Plan B to be offered over the counter to girls at any age. I've been vocal about this issue and will continue to be. On May 20 this year, I co-authored a letter to the Commissioner of the U.S. Food and Drug Administration asking the FDA to reverse its decision. At one point, the President agreed that Plan B should not be used over the counter by girls without a prescription. Now it seems he has changed his mind.

As a result of this FDA ruling, it will be easier for young girls to get Plan B than it will to get a tattoo. Mr. Speaker, this change is an insult to parents and the role they play in their children's lives. I am very disappointed with the FDA's decision to allow Plan B to be offered over the counter without age restriction.

#### FOREIGN—NOT DOMESTIC—INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Florida (Mr. GRAYSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. GRAYSON. Mr. Chairman, I rise today to discuss shocking revelations reported in the media starting last Wednesday, that is 9 days ago, and continuing for several days afterward, regarding the scope of the NSA's spying program, including both foreigners and Americans.

The NSA is the National Security Agency. Its duty is, as part of DOD, to protect us against foreign attacks, just as DOD itself is supposed to protect us against foreign attacks. And DOD, like the CIA, is on the side of the firewall dealing with foreign threats as opposed to the FBI and the Justice Department who deal with domestic threats.

As of a week ago last Wednesday, the Guardian reported that a particular court order had ordered Verizon, the largest cellular telephone company in America, to turn over its call records for all of its calls—all of its calls.

I have the document from the Guardian's Web site here in front of me. It is a document that is issued as a secondary order by what's known as the FISA Court. That court is the Foreign Intelligence Surveillance Court established under the Foreign Intelligence Surveillance Act.

Let's start with the name of the court, the Foreign Intelligence Surveillance Court. As the name of the act implies, the jurisdiction of the court is limited to foreign surveillance and foreign threats. This is by statute.

The order itself was printed and posted at the Web site. Millions of people have seen it since then. What it purports to be—I say purports to be, but, in fact, the agency involved in the NSA has not denied that this is a valid, real document—it says that the court, having found application of the Federal Bureau of Investigation for an order requiring the production of tangible

things from Verizon—specifically Verizon Business Network Services, et cetera, et cetera—orders that the custodian of records produce—not to the FBI—but to the National Security Agency, a component of the Defense Department, upon service of this order, and continued production on an ongoing, daily basis thereafter for the duration of this order, unless otherwise ordered by the court, an electronic copy of the following tangible things:

□ 1350

Right here. Take a look at it. These tangible things are identified in the order as follows:

All call detail records or telephony metadata created by Verizon for communications 1) between the United States and abroad—it sounds like it might be international—and then 2) wholly within the United States, including local telephone calls.

On its face, this is an order for Verizon—our largest cellular telephone company—to turn over call records for every single call in its possession. Mr. Chairman, that includes calls by you, it also includes calls by me. In fact, it includes calls by me when I call my mother or my wife or my daughter. For those who are listening on C-SPAN or otherwise, it includes every call by you.

Now, the first question that comes to mind is: Is this just for Verizon? Well, we don't know for sure, at this point, but the NSA has not denied that there are orders similar in extent for MCI, for AT&T, for Sprint, for every telephone company that carries any significant amount of data or calls in this country.

Another question is: How far back does this order go? The order itself is dated on its face April 25, 2013. One of the more interesting things about this order, posted on the Guardian's Web site, is that it has no starting date. Under this order—under the plain terms of this order—Verizon has to go and give the Federal Government—specifically the Department of Defense, the NSA—all of its call records of all of its calls going back to the beginning of time. And this obligation continues until July 19, 2013, presumably because the order will be renewed at that point upon request of the NSA and the FBI.

Let's be clear about this. This appears to be an order providing that our telephone companies providing service to us turn over call records for every single telephone call, regardless of whether it's international or not.

Now, if somebody had come to me 9 days ago and said to me, Congressman GRAYSON, do you think that the Defense Department is taking records of every telephone call that you make or I make or anyone else makes, I would say, no, I have no reason to believe that. It would shock me if it was true.

Well, it is true and it does shock me. Why should we have our personal telephone records, the records of whom we call, when we speak to them, how long

we are talking, why should we have that turned over to the Defense Department? What possible rationale could there be for that?

Well, I'll tell you what I think the rationale might be: because somehow that makes us safer. Well, let me say to the NSA and to the Defense Department, you can rest assured there is no threat to America when I talk to my mother.

Now, what exactly is wrong with this? What's wrong with this, first of all, is that there is a firewall between the Defense Department and the CIA on the one hand, and the FBI and the Department of Justice on the other. One protects us from international threats, the other one protects us from domestic threats. That's been the law in America since the 1870s when Congress enacted and the President signed the Posse Comitatus Act. And this order crushes that distinction. It eliminates it, it obliterates it, it kills it now and forever.

Now, the second thing that is offensive about this court order is that it clearly violates the Fourth Amendment. The Fourth Amendment reads as follows:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Now, first of all, when the government seizes your phone records, unless you happen to be Osama Bin Laden or someone close to him, there is no reason why the government would believe or have reason to believe probable cause that you've committed a crime or you're going to commit a crime or you have any evidence about someone committing a crime. There's no probable cause here.

Secondly, the Fourth Amendment requires particularity. There's no particularity when the government insists by court order and under threat of further action that Verizon or AT&T or Sprint or anyone else be required to turn over their phone records to the government. There's no particularity.

This really is the essence of the matter. Because if you ask the NSA for justification, they'll say: Well, it's legal. What do you mean it's legal?

Well, according to their published statements, including a statement by their Director last Saturday, they maintain that it's legal because of a single Supreme Court case decided in 1979 that said that the government, specifically local police authorities, could acquire the phone records of one person once. That's the case of *Smith v. Maryland* in 1979.

Because the Supreme Court says that, at that point, the government could acquire the phone records of one person once, the NSA is maintaining that its entire program is legal and that it can acquire the phone records of

everyone, everywhere, forever. That is a farce.

Now, the other document that came to light last Thursday—in other words, 8 days ago as I speak—was a document, again posted at the Guardian's and then later at the Washington Post's Web site. This is a document that is a PowerPoint presentation, which according to the reports was a PowerPoint presentation to analysts working for the NSA. This PowerPoint presentation is labeled "PRISM/US-984XN Overview," or "the SIGAD Used Most in NSA Reporting."

What you see to my right is the reproduction of what was posted at the Web site a week ago. First of all, note that there are certain logos at the top of the page:

Gmail, which for those of you who are not familiar, is the largest provider of email services and hosting. It's run by Google.

Facebook. Many of us are familiar with that. I think my children are all too familiar with it and spend an awful lot of time on it. Facebook allows, among other things, private messaging between friends.

Hotmail, which is Microsoft's email server and service.

Yahoo, which performs a variety of functions, including, among other things, hosting a large number of Web pages. And by the way, when you go to their Web page they can tell who you are from your IP address. And also a very widely used email service.

Google. I think Google needs no introduction, but I've already introduced it. Google allows you to do web searches. It, together with Microsoft, has almost 90 percent of the Web search market in the United States. They keep a record of the searches that you make based upon your IP address.

Skype, which is a telephone company that transmits calls electronically over the Internet.

PalTalk. I'm puzzled. I don't know what that one is.

YouTube, which is the largest host of videos in the world, and again, can tell which videos you're looking at by your IP address.

And AOL Mail, which, as it sounds, is the America Online email service.

This document is dated at the bottom April of 2013, meaning last month—or maybe 2 months ago.

Let's take a look inside. One of the pages that's been produced on the Guardian and Washington Post Web site is this:

By way of background, it's been reported that this is part of a longer document. It's 41-pages long. Only 5 pages have been released to the public through the Guardian and through the Washington Post.

□ 1400

So I'm sharing with you the five pages that were released a week ago and are now public. Let's take a look at this one. This one says that the NSA's PRISM program performs the

following functions—and bear in mind, this is purported to be a training document given to NSA analysts to explain what they can do in this program.

Who are the current providers to the program?

Microsoft's Hotmail, et cetera, Google, Yahoo!, Facebook, Paltalk, YouTube, Skype, AOL, and Apple.

What are they providing? Specifically, as the document says, What will you—meaning the analyst—receive in collection, collection from surveillance and stored communications?

The document says it varies by provider. We don't know how it varies, but, in general, what you get is the following: email. The NSA gets email from these providers. It gets Video and Voice Chat, videos, photos, stored data, VoIP, which is an electronic version of your actual words when you are speaking on the phone. VoIP stands for "Voice over Internet Protocol." It's your voice. It gets file transfers, video conferencing, notification of target activity, including log-ons—in other words, are you on your computer or not?—et cetera, online social network details, and what is beliedly referred to as "special requests," as if all of that weren't enough already.

You might wonder: How does the government actually get this information? The five pages that are released give us one answer to that question. Let's take a look at that.

If you look at the bottom, the green rectangle, you'll see that it says that PRISM collection is directly from the servers of these U.S. service providers: Microsoft, Yahoo!, Google, Facebook, Paltalk, AOL, Skype, YouTube, and Apple.

Since it's addressed to the trainees at the NSA, to the people who will actually be doing the analysis of this data—and with the injunction on the left which says you should do both—the plain meaning of this is that the NSA apparently has the capability to collect directly from the servers of these service providers the information on the previous page—in other words, our emails, our chats, our videos, our photos, our stored data, our Voice over Internet Protocol, our file transfers, our video conferencing, our log-ins, et cetera, et cetera.

Now, there is an interesting distinction between these two documents:

In the first case, with regard to the court order, the NSA's position is that it's a valid court order, and we regard it as legal. If you don't like it, that's too bad with you. Go change the law—to which I say, fine, I'm going to try to change that law.

With regard to the second document, the situation is a little more ambiguous. What the NSA has said publicly is that the green rectangle is actually not correct. Now, bear in mind, no one has said that this is not an NSA document. No one has said that it's Photoshopped. No one has said that it is anything other than what it purports to be and what it was reported as.

However, the NSA has taken the position that their own document is wrong for reasons that we don't know and that the NSA, in fact, does not have the capability to directly take-collect from the servers of these companies your emails, your Voice over Internet Protocol, your photos, and everything else. They say that they just don't do that. However, we are still waiting for an explanation of how this green rectangle ended up in this document. If it's not true, they need to explain how and why it's not true.

The NSA also says that, for reasons not evident from this document at all, they don't do this for U.S. citizens. Now, that raises a host of questions. You might think that there might be something else in this document that says that, but the NSA hasn't maintained that. In other words, they haven't said, If you look somewhere else in this document, you'll find that we don't do this for U.S. citizens.

Unless you think that this is somehow selective on my part or on anybody else's part, it has been reported that the whistleblower provided this entire document—all, apparently, 41 pages—to The Guardian and to The Washington Post, and they decided on their own to release only these five.

So if there is something that indicates that the NSA is only doing this for Americans, apparently it's not in this document, and we've reached a strange point where people are being trained in the NSA to have the ability to get the emails and the other information on Americans, but somehow we are told later, separately, that that's not correct. In addition to that, the NSA says that there is some process by which they can distinguish between the emails of Americans and the emails of foreigners.

Frankly, that is a technology so advanced to me that it seems like it might be magic. I used to be the president of a telephone company. I have literally no idea how I could distinguish between the email accounts of an American and a foreigner. I don't know how to do it. Maybe they can tell us how they do it if they're doing it at all. That's the real question: if they're doing it at all. I don't know how they could possibly say this email account is for a foreigner, and this email account is for an American. If they can't, that means they're taking all this stuff—American and foreign—and having it, using it, looking at it, and destroying our privacy rights.

That really is the heart of the matter here.

I don't understand why anyone would think that it's somehow okay for the Department of Defense to get every single one of our call records regardless of who we are, regardless of whether we are innocent or guilty of anything. I venture to say that there are Americans who have never even had a parking ticket; yet the Defense Department is pulling their call records as well. Eventually, we will find out whether

the NSA's own document is misleading and whether the NSA is not pulling email accounts and emails and photos and VoIP calls on people who are Americans, because, if you read this document, it sure looks like they are.

This is not the first time that we have had this problem. This is not the first time that the government has entered into surveillance on people without probable cause. Many of us remember that there was FBI surveillance of Martin Luther King, including the wiretapping and bugging of his personal conversations. I thought, perhaps naively, that we had moved beyond that. In some sense, we have moved beyond that because now they're doing it to everyone. In fact, one could well say that we are reaching the point at which Uncle Sam is Big Brother.

I submit to you that this program, although the proponents picked it as American as "apple spy," is an anti-American program. We are not North Koreans. We don't live in Nazi Germany. We are Americans and we are human beings, and we deserve to have our privacy respected. I have no way to call my mother except to employ the services of Verizon or AT&T or some other telephone company. I'm not going to string two cups between my house and her house 70 miles away. That doesn't mean that it's okay with me for the government—and specifically the Department of Defense—to be getting information about every telephone call I make to her. It's not okay with me.

I submit to you, Mr. Speaker, it's probably not okay with you, and I know that, for most of the people who are listening to me today, it's not okay with you either.

□ 1410

Then Franklin said:

Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.

I agree with that. We do not have to give up our liberty to be safe.

I have already heard from people who tell me that they're afraid that they're going to be blown up by some terrorist somewhere, that they're afraid their personal safety is at risk, and it's okay with them if the government spies on them.

Well, it's not okay with me. And I stand here on behalf of the millions of Americans who are wanting to say, It's not okay with me either. I'm fed up, and I'm not going to take it any more.

When we had the Civil War and there were 1 million armed men in this country who rose up heavily armed to fight against our central government, we did not establish a spy network in every city, every town, every village, every home; but that's what we've done right now.

When I was growing up and we had 10,000 nuclear warheads pointed at us and some people believed there was a Communist under every bed, even then we did not establish a spy network as intrusive as this one.

I submit to you that this has gone way too far and that it's up to us to tell the Defense Department, the NSA, the so-called "intelligence establishment," we've had enough. We are human beings. We are a free people. And based upon this evidence, we're going to have to work to keep it that way. That's what I'll be doing. I hope you'll join me.

With that, I yield back the balance of my time.

#### IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege of addressing you here on the floor of the U.S. House of Representatives and to have an opportunity to inject some dialogue into the ears and minds of this body and across the country as people observe the deliberations here in the House.

I came to the floor, Mr. Speaker, to address the issue of immigration again. As we're watching the acceleration of an immigration proposal that's coming through, moving in this direction at a minimum from the United States Senate, it's important for us, Mr. Speaker, to recognize that there are a series and set of beliefs over there that don't necessarily conform with the majority here in the House of Representatives.

If you look at the names and the reputations and the faces of the people that are advocating for "comprehensive immigration reform," and you recognize the history of some of them—regretfully, Senator Teddy Kennedy is not here to advocate, but he's one of the original proponents of what I call "comprehensive amnesty." He was one of the voices in 1986. In fact, he was one of the voices back in the sixties on comprehensive immigration reform. Ronald Reagan signed the Amnesty Act of 1986. We do have some people around here of significant credibility that were part of that process back then, Mr. Speaker. One of those is Attorney General Ed Meese.

Attorney General Meese was there as a counselor and adviser to the President. He read the 1986 Amnesty Act, of course, and he had full access to President Reagan. All of his Cabinet members—a good number of them—weighed in with President Reagan. I remember where I was. I was running my construction company back in 1986 during the middle of the farm crisis.

I remember being in my office when I had been watching the debate and reading the news and seeing what was moving through the United States Congress and all the while believing that if you waive the application of the law to people who have willfully broken the laws, it is a reward for those lawbreakers to waive it; and if you reward them with the objective of their crime, as the 1986 Amnesty Act did, then the result of that is not what was promised.

What was promised was we will now enforce immigration law forever, and there will never be another amnesty act. That was the promise. The enforcement was that we had to file I-9 forms for every job applicant which would put the pertinent data of the job applicant down on the I-9 form, and we dotted all the Is and we crossed all the Ts on the I-9 form, and we looked at the identification documents of the applicants that were applying to come to work at my construction company and thousands of companies across America.

We had, Mr. Speaker, the full expectation that the Immigration Naturalization Services—then INS and now ICE—would be coming and knocking on our door and going through our records to make sure that we did everything exactly right because the force of enforcement was what was going to justify the amnesty that was granted in the 1986 Amnesty Act.

We were going to enforce and control our border and our ports of entry and enforce the law against those who were unlawfully working in the United States. In exchange for that, there was going to be the legalization of some first 700,000 to 800,000 people in the United States that were here illegally. It was adjusted up to be 1 million people that turned out to be 3 million people. The lowest number on the 1986 Amnesty Act turned out to be 2.7 million to 2.8 million; the highest number is someplace around 3.5 million or 6 million.

But in the neighborhood of 3 million people took advantage of the 1986 Amnesty Act. That's triple, by anybody's number, the original estimate. The tradeoff again was in order to get an agreement with the Senator Teddy Kennedy-types that were in the United States Senate and House at the time, there had to be a concession made.

From where I come from, Mr. Speaker, it's really pretty easy. The rule of law is the rule of law. The Constitution is the supreme law of the land. Legislating is the exclusive province of article I within this Constitution, the legislative branch of government, the United States Congress, the House and the Senate on opposite sides of the rotunda coming to a conclusion and we concur, pass a conference report that goes to the President. When the President signs that, it becomes law, and that's the law that we abide by. It's not complicated to understand. That's what they teach in eighth grade civics class. But the expectation that the law would be enforced and the real effort on the part of President Reagan to do so was eroded by people that undermined that effort.

Many of them never intended to follow through on the law enforcement side of the bargain. Not only the border security, but also the workplace jobs enforcement side, the legislation that some was formed then, some came along in 1996, that required that the immigration enforcement officers,