

# State of Vermont

## House of Representatives



Montpelier, Vermont

### House Resolution

H.R. 17

House resolution requesting that Congress repeal Section 702 of the Foreign Intelligence Surveillance Act and prohibit warrantless surveillance and that the President grant clemency to Edward J. Snowden

Offered by: Representatives Cina of Burlington, Buckholz of Hartford, Burditt of West Rutland, Colburn of Burlington, Lefebvre of Newark, and McCullough of Williston

Whereas, the Fourth Amendment to the U.S. Constitution provides “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...”, and

Whereas, this constitutional principle is as vital in a 21st-century digital era as in the 18th century, and

Whereas, in 2008, Section 702 of the Foreign Intelligence Surveillance Act, 50 U.S.C. § 1881a, was enacted to provide statutory authority for certain warrantless surveillance activities, and

Whereas, in accordance with 50 U.S.C. § 1881a(a) “the Attorney General and the Director of National Intelligence may authorize jointly, for a period of up to 1 year from the effective date of the authorization, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information,” and

Whereas, although 50 U.S.C. § 1881a(b) provides supposed safeguards against applying the statute domestically or against American citizens or green card holders, these restrictions are not ironclad, and

Whereas, although the statute provides for the U.S. Attorney General and the Director of National Intelligence to develop minimalization procedures and limitations guidelines and to seek certification from the Foreign Intelligence Surveillance Court of an authorized targeting, the procedures lack the basic safeguards associated with a judicially issued warrant, and

Whereas, the U.S. Attorney General and the Director of National Intelligence are allowed to proceed with a surveillance operation before certification is received if they believe circumstances require immediate initiation, and

Whereas, Section 702 was recently reauthorized without adding vital privacy protections to the law, and



Whereas, responding to the reauthorization of Section 702, Democratic U.S. Senator Patrick Leahy and Republican U.S. Senator Mike Lee jointly issued a statement that said it “falls short in providing critical protections for Americans,” and

Whereas, in 2013, Edward Snowden, a National Security Agency (NSA) contractor, clandestinely provided media organizations with classified information regarding NSA surveillance activities, and

Whereas, shortly after his identity became known, the federal government charged Edward Snowden with violating the Espionage Act, stealing government property, and disclosing classified information, and

Whereas, he is now residing in Russia under a grant of asylum, and

Whereas, in October 2015, the European Parliament voted 285 to 281 to call on the European Union nations “to drop any criminal charges against Edward Snowden, grant him protection and consequently prevent extradition or rendition by third parties,” and

Whereas, in September 2016, U.S. Senator Bernie Sanders told *The Guardian* newspaper that Edward Snowden “played an important role in educating the American people” and that Senator Sanders supported clemency, and

Whereas, in 2016, the American Civil Liberties Union, Human Rights Watch, and Amnesty International organized a campaign supporting a presidential pardon of Edward Snowden, coinciding with the release of a supportive film called *Snowden*, now therefore be it

Resolved by the House of Representatives:

That this legislative body requests that Congress reverse its recent decision to extend Section 702 of the Foreign Intelligence Surveillance Act and enact legislation prohibiting warrantless surveillance, and be it further

Resolved: That this legislative body requests that the President grant clemency to Edward J. Snowden and allow him to return to the United States free of the threat of any legal action being taken against him, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Governor Philip Scott, President Donald Trump, U.S. Attorney General Jeff Sessions, and the Vermont Congressional Delegation.