

Prosecutors frequently seek these secrecy orders in cases where there is clearly sometimes no need and in situations where the government alone benefits. In many instances, there is no need.

Unlike when a physical search order occurs and a person has the right to go to court to dispute the warrant, NDOs can keep the subject of the search in the dark until the court reverses the order.

The NDO Fairness Act would do away with the rubberstamped process that governs gag order requests by ensuring that courts apply a strict scrutiny standard to government requests with a written determination explaining their reasoning.

By time-limiting nondisclosure orders, raising the standard of review, and ensuring that service providers have standing when they object, H.R. 3089 inserts transparency, reason, and balance into a system and fairness and justice on both sides that far too long has been a free-for-all for government prosecutors simply by virtue of it being just too easy to overuse.

In the 21st century, Federal prosecutors no longer need to show up to your office. They just need to raid your virtual office. Unlike physical searches, they can search an email in secret. The House surveillance laws have not kept pace with rapidly changing technology.

Mr. Speaker, just wait on the march of AI. I think this bill is extremely timely because we have to be engaged with our constitutional values no matter what the level of technology is. It is imperative that the House of Representatives act to ensure that Americans are still protected as everyday life moves increasingly online.

Mr. Speaker, I thank Congressman FITZGERALD for introducing this bill and Ranking Member NADLER, again, for his leadership on this issue. I also thank Chairman JORDAN for moving this bill swiftly through the Judiciary Committee and Senator LEE for his leadership in the Senate. I was glad to serve as the ranking member of the subcommittee dealing with this bill, as well.

Mr. Speaker, I encourage my colleagues to vote "yes" and to pass this important legislation today, and I reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker, I have no further speakers, and I am prepared to close.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me cite an example that I think is worthy of my colleagues hearing. Between 2016 and 2021, Microsoft received between 7 and 10 NDOs every day. That is, on average, from 2,400 to 3,500 secrecy orders a year.

Apple has received roughly 13,200 requests with secrecy orders from Federal agencies over the past 5 years, which is approximately 2,600 requests annually or the equivalent of 7 to 8 re-

quests per day that are accompanied by a gag order.

Just think of how many Americans that impacts. They are not the only service providers to feel the legal burden. Google has about 130,000 secrecy orders right now. Meta averages more than 100,000 requests per year.

For example, in the first half of 2021, 70 percent of the 63,657 search requests Meta received included gag orders. That is an enormous tally. That is a lot of Americans.

To be very clear, as I conclude my remarks, this is in no way attempting to thwart the important prosecution of individuals who are intending to do harm in any way to the United States by way of criminal acts. Certainly, we believe in justice for any person who is accused. They have a right to due process, a trial by their peers and otherwise, but we do believe that it is important to protect the vast number of Americans who would not know what is happening to their online searches or their online privacy.

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Mr. Speaker, the NDO Fairness Act would insert process and deliberation into gag order requests and make it more likely that Americans whose electronic communications are searched can assert their rights in court.

Mr. Speaker, I rise in strong support of H.R. 3089, the "NDO Fairness Act," crucial bipartisan surveillance reform legislation that passed out of the Judiciary Committee last week on a voice vote.

The NDO Fairness Act is a simple, straightforward bill that addresses a narrow problem. By establishing essential guardrails for when the government seeks to access someone's electronic communications without that person's knowledge, this legislation would insert balance into a system that for too long has been a free-for-all for government prosecutors. Under current law, after the government obtains a court's permission to search the contents of a person's electronic communications, prosecutors must then compel the email service provider to produce the relevant data.

To avoid having the service provider turn around and tell its customer about the search, the government can also ask the court to grant a nondisclosure order, or NDO, colloquially referred to as a "secrecy" or "gag" order.

There is no time limit to these orders. There is no standard to meet. Today, all the government needs to do is cite one of five potential adverse results—without showing that it is necessary—and the court may grant the request.

Prosecutors frequently seek these secrecy orders in cases where there is clearly no need, and in situations where the government alone benefits. Unlike when a physical search occurs, and a person has the right to go to court to dispute the warrant, NDOs can keep the subject of the search in the dark until a court reverses the order.

The NDO Fairness Act would do away with the rubber stamp process that governs gag order requests by ensuring that courts apply a strict scrutiny standard to government re-

quests, with a written determination explaining their reasoning.

By time-limiting nondisclosure orders, raising the standard of review, and ensuring that service providers have standing when they object, H.R. 3089 inserts transparency, reason, and balance into a system that for too long has been a free-for-all for government prosecutors, simply by virtue of it being too easy to overuse.

In the 21st century, federal prosecutors no longer need to show up to your office. They just need to raid your virtual office, but unlike physical searches, they can search an email in secret. Our surveillance laws have not kept pace with rapidly changing technology.

It is imperative that the House of Representatives act to ensure that Americans are still protected as everyday life moves increasingly online.

I thank Congressman FITZGERALD for introducing this bill, and Ranking Member NADLER for his leadership on this issue. I also want to thank Chairman JORDAN for moving this bill swiftly through the Judiciary Committee and Senator LEE for his leadership in the Senate.

I encourage my colleagues to vote "yes" and to pass this important legislation today.

Mr. Speaker, the NDO Fairness Act would insert process and deliberation into gag order requests and make it more likely that Americans whose electronic communications are searched can assert their rights in court. This is good bipartisan legislation, I urge all Members to support it.

Mr. Speaker, this is good bipartisan legislation, and I urge all of the Members to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. FITZGERALD. Mr. Speaker, I reiterate my strong support for this bipartisan bill, H.R. 3089, which will provide much-needed safeguards on the secrecy order process.

Mr. Speaker, I hope that all my colleagues will support this bill, I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. FITZGERALD) that the House suspend the rules and pass the bill (H.R. 3089).

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FITZGERALD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 35. Concurrent Resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate a King Kamehameha Day Lei Draping Ceremony.

The message also announced that the Senate has agreed to joint resolutions of the following titles in which the concurrence of the House is requested:

S.J. Res. 23. Joint Resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Marine Fisheries Service relating to “Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat”.

S.J. Res. 24. Joint Resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the United States Fish and Wildlife Service relating to “Endangered and Threatened Wildlife and Plants; Endangered Species Status for Northern Long-Eared Bat”.

The message also announced that pursuant to Public Law 107-12, the Chair, on behalf of the Majority Leader, announces the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board:

Sheriff Errol Toulon of New York vice Joseph Fox of New York.

#### EXPRESSING SUPPORT FOR RECOGNIZING “NATIONAL POLICE WEEK”

Mr. FITZGERALD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 363) expressing support for recognizing “National Police Week,” as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 363

Whereas Federal, State, local, and Tribal police officers, sheriffs, and other law enforcement officers across the United States serve with valor, dignity, and integrity;

Whereas law enforcement officers are charged with—

(1) pursuing justice for all individuals; and  
(2) performing the duties of a law enforcement officer with fidelity to the constitutional and civil rights of the public the officers serve;

Whereas law enforcement officers swear an oath to uphold the public trust even though, through the performance of the duties of a law enforcement officer, the officers may become targets for senseless acts of violence;

Whereas, in 1962, President John Fitzgerald Kennedy signed Public Law 87-726 (36 U.S.C. 136) (referred to in this preamble as the “Joint Resolution”), which authorizes the President to proclaim May 15 of every year as “Peace Officers Memorial Day” in honor of the Federal, State, and local officers who have been killed, disabled, or otherwise injured in the line of duty;

Whereas the Joint Resolution also authorizes the President to designate the week in which Peace Officers Memorial Day falls as “National Police Week”;

Whereas the National Law Enforcement Officers Memorial, dedicated on October 15, 1991, is the national monument to honor those law enforcement officers who have died in the line of duty; and

Whereas Peace Officers Memorial Day, 2023, honors the 556 law enforcement officers killed in the line of duty, including 224 officers killed in 2022, as well as 332 officers killed in previous years whose stories were recovered during 2022, including—

- (1) Michael Lynn Gillis;
- (2) Bradley S.H. Johnson;
- (3) Walter Raymond Hall;
- (4) Christopher Michael Vaughn;
- (5) J’Mar Colin Abel;
- (6) Michael Keith Morgan;
- (7) Steven Scott Bobbitt;
- (8) Mickey Jay Bowen;
- (9) Kevin Len Pounders;
- (10) Steven Ray Finley;
- (11) Jeremiah Lynch;
- (12) John T. Oaks;
- (13) Marquis Dewon Moorers;
- (14) John Graham;
- (15) Walter Lewis Johnson;
- (16) Darryl Wayne Fortner;
- (17) Curtis Matthew Worland;
- (18) Jesus Delaluz Lara III;
- (19) Jeremy M.B. Wilkins;
- (20) Phillip James Vavrinec, Jr.;
- (21) Thomas Crawford Craig;
- (22) Richard D.R. Lopez;
- (23) Joshua Daniel Caudell;
- (24) Jeffery Wayne Neel;
- (25) Matthew Chandler Moore;
- (26) Michael Ray Springer;
- (27) James Roy Morgan;
- (28) Paul Daniel Newell;
- (29) Gary Lynn Bean;
- (30) Ricky Allen Entmeier;
- (31) Gary Ray Kelley;
- (32) James S. Payne;
- (33) Jeremiah James Story;
- (34) William Joseph Shibley;
- (35) Donald Mark Scoby;
- (36) Richard Alan Bianchi, Jr.;
- (37) Michael Domingo Paredes;
- (38) Joseph Anthony Santana;
- (39) Tyler Ryan Lenehan;
- (40) Arthur Garcia Duron;
- (41) Toamalama W.L. Scanlan;
- (42) Nicholas Joseph Vella;
- (43) Fernando Uriel Arroyos;
- (44) Houston Ryan Tipping;
- (45) Christopher M. Bracks;
- (46) Andrew Lee Myers;
- (47) Anthony Nathan Bautista;
- (48) Armando Fernandez Meneses;
- (49) Pedro Romo;
- (50) Jamie John Arakawa;
- (51) Timothy David Tellez;
- (52) Amber Joy Leist;
- (53) John Mercer Black;
- (54) Morgan Wyatt Honeycutt;
- (55) Michael Edward Wall;
- (56) Robert Morrison;
- (57) Mono Jim;
- (58) Steven Michael Taylor;
- (59) Isaiah A. Cordero;
- (60) Jorge David Alvarado, Jr.;
- (61) Donald Archibald Mason;
- (62) Matthew Scott Gibbs;
- (63) Charles Morgan;
- (64) Dillon Micheal Vakoff;
- (65) James Miller Campbell;
- (66) Robert Eugene Sandoval;
- (67) Peter A. Walsh;
- (68) Frank Sam Potestio;
- (69) Andrew Steven Peery;
- (70) Marion Ernest Sanders;
- (71) Alex A. Hamzy;
- (72) Dustin William Demonte;
- (73) Diane Gonzalez;
- (74) Josip Peperni;
- (75) William Kinney;
- (76) Paul Matthew Patrick;
- (77) Christopher E.J. Taylor;
- (78) Adam James Webb;
- (79) James Michael McWhorter;
- (80) Jose Antonio Perez;
- (81) Kyle Lee Patterson;
- (82) James George Binnicker;
- (83) Edward Louis Perez;
- (84) Cesar Echaverry, Jr.;
- (85) Ray Charles Hamilton;
- (86) Shannon Mary Browning;
- (87) Ramon Caban, Jr.;
- (88) Clarence Guy Backherms;
- (89) Michael Robert Hartwick;
- (90) Christopher James Broadhead;
- (91) Blane Lee Lane;
- (92) Coby Brandon Seckinger;
- (93) Christopher Nicholas Fariello;
- (94) Walter C. Byrd;
- (95) James Walter Johnson;
- (96) Benjamin F. Wilder;
- (97) Fred Foster Crawford;
- (98) Jonathan Randall Koleski;
- (99) Marshall Samuel Ervin, Jr.;
- (100) Terry Randall Arnold;
- (101) Jean-Harold Louis Astree;
- (102) Michael Scott Howard;
- (103) Shaneca C. Napier;
- (104) Addison Montanez Ford, Sr.;
- (105) Patrick Donnell Dupree;
- (106) Talmadge Leon Tucker, Jr.;
- (107) Scott Ozburn Riner;
- (108) Sean Marcus Free;
- (109) Donald Richard Crooms;
- (110) Clifford David Barber;
- (111) Samuel Bentley Arnold;
- (112) Hughey Anderson Keller;
- (113) Henry Lee Nixon;
- (114) William Gibson;
- (115) Richard Lynn Tostenson;
- (116) Walter Donald Jenkins, Jr.;
- (117) Jamie Lynn Reynolds;
- (118) Ellsworth Arthur Teed;
- (119) Kenneth John Thurman, Sr.;
- (120) Brian Romel Shields;
- (121) Joseph Anthony Tripoli;
- (122) Jose M. Huerta;
- (123) James R. Svec;
- (124) Joseph Robert Tinoco;
- (125) Claude Earl Bowman;
- (126) Brian Joseph Norton;
- (127) Nicholas Joseph Kozak;
- (128) Nicholas Donald Weist;
- (129) John Venton Donaldson;
- (130) Brian Lee Sember;
- (131) Michael John Queeney;
- (132) Noah Cleon Rainey;
- (133) John Medley Whisman;
- (134) Noah Jacob Shahnava;
- (135) William James Cox;
- (136) Douglas Warren Sanford;
- (137) Gary Layne Weinke;
- (138) Seara Brooke Burton;
- (139) John Lawrence Grampovnik;
- (140) John Karl Williams;
- (141) Austin Wayne Richardson;
- (142) Henry Edward Graves;
- (143) James Lawrence Kent;
- (144) Michael Earl German;
- (145) David Leroy Ingle;
- (146) Stacy Annette Murrow;
- (147) Robert Price Craft;
- (148) Sidnee Taylor Carter;
- (149) Jody Wayne Cash;
- (150) Gregory Lloyd Means;
- (151) Oliver Junior Little;
- (152) William Edward Petry;
- (153) Dixon Allen Sasser;
- (154) David Michael Ragle;
- (155) Logan Kendal Medlock;
- (156) Travis Dean Hurley;
- (157) James Jerry Critchelow;
- (158) Jacob Russell Chaffins;
- (159) Ralph Harlow Frasure;
- (160) Mark Allen Pike;
- (161) Walter Lee Soileau, Jr.;
- (162) Trey Steven Copeland;
- (163) William Earl Collins, Jr.;
- (164) Nicholas Wayne Tullier;
- (165) Louis Harry Estay;
- (166) Harold C. Hillman;
- (167) Kenneth Charles Olander;
- (168) Gregory John Bednarek;
- (169) Glenn Raymond Hilliard;
- (170) Frederick Joseph Gibney;
- (171) Edward M. Day;
- (172) Lawrence J. Nagle;
- (173) Joseph Francis Eberlein;
- (174) William F. Ahern;
- (175) Peter Neary;
- (176) John J. Fitzgerald;