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Senate

The Senate met at 11 a.m. and was called to order by the Honorable CHRIS VAN HOLLEN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, strong to save, let Your still, small voice echo down time's corridors to renew our lawmakers and to lift their vision of one Nation under God. Inspire them to dedicate themselves to eternal values and to be unafraid of the consequences of following the highest standards. May they run from the success purchased at the cost of cowardice and cunning. Lord, guide them by Your living word, as You infuse them with a spirit of service, of vision, of excellence, and of passion for truth. Help them to see that nothing can separate them from Your love.

And, Lord, we thank You for the exemplary light of Your servant, Joe Lieberman.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 19, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRIS VAN HOLLEN, a Senator from the State of Maryland, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. VAN HOLLEN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

REFORMING INTELLIGENCE AND SECURING AMERICA ACT—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 7888, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 365, H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATE SCHEDULE

Mr. SCHUMER. Mr. President, the Senate will continue working today to pass FISA reauthorization. We are still trying to see if there is a path to getting this bill done quickly, but disagreements remain on how to proceed. The work is not done, so we are going to keep at it.

We want to get FISA done as soon as we can, because it is very important for our national security. But, as everyone knows, any one Member can halt progress in this Chamber, so both sides need to fully cooperate if we want to get FISA done.

So for the information of my colleagues, Members should plan to be here over the weekend if necessary to work on both FISA and the supplemental.

The House is scheduled to take up the supplemental tomorrow. It would at last deliver critical aid to Ukraine, Israel, the Indo-Pacific, and humanitarian assistance. We will see how things go in the lower Chamber over the next day or so. And I hope the House gets this legislation passed without further delay.

If the House sends us a supplemental package, the Senate will move expeditiously to send it to the President's desk. The President has said if Congress passes the supplemental, he will sign it.

I hope the House gets this done very soon, because delay on this national security funding has cost America and cost our allies dearly. I met yesterday with the Ukrainian Prime Minister, who told me just how difficult the war has become for Ukrainian fighters who are now running out of ammo and air defenses and other basic needs. He told me that if America doesn't stand with Ukraine, they will lose the war. It is as simple as that.

In the few months that the House has sat on the supplemental funding, the war has clearly turned in Russia's favor. Their army has grown larger. Their munitions stores have expanded, and they enjoy support from nations like North Korea, Iran, and China.

Putin has long bet that sooner or later, American support for Ukraine

will wane. He said months ago on Russian TV that the ''free stuff'' from America is eventually going to run out. We dare not prove him right, because if he sees that the United States will not stop him in Ukraine, he may well conclude we won't stop him if he keeps going.

And on the other side of the world, the Chinese Communist Party may look at America's abandonment of Ukraine and wonder if we will similarly show weakness in the Indo-Pacific. Imagine the kind of signal American inaction would send to our friends in Japan and in the Philippines. Imagine what it would say to the people of Taiwan. That is not the world we want to live in.

Protecting democracy is not for the faint of heart. Sometimes it requires us to make difficult choices, but that is precisely what the American people sent us here to do. I hope we can finish the job very, very soon.

MICRON

Mr. President, on Chips and Science, yesterday, I shared that Micron—one of the most important chip manufacturers in the United States and the world—is receiving over $6 billion from my Chips and Science law to help build two mega fabs in Central New York and one in Idaho. This is a monumental step forward for Syracuse, Upstate New York, and for the country.

This is one of the largest single, direct, Federal investments ever for Upstate New York. We have had a number of chips funding announcements recently, but this is the very first one specifically for memory chips, which will become especially important as technologies like AI boost demand for these chips.

Best of all, this award will lead to 50,000 new good-paying jobs, and it will help Micron reach its goal of investing well over $100-plus billion to make advanced memory chips here in the United States.

So I will say it again because it is truly good news: With the Chips and Science law, we are rebuilding Upstate New York with good-paying middle-class jobs one microchip at a time, and we are rebuilding not just New York but communities from Ohio, to Texas, to Arizona and beyond, and the benefits in those States will spread as subcontractors and other suppliers around the country are called upon.

Most importantly, the investments being made by Chips and Science will mean lower costs for American consumers in the long run. We will be less vulnerable to supply chain disruptions like the one we saw in COVID, which sent prices skyrocketing on all sorts of electronic devices. By bringing chip production back here to the U.S., we can avoid this in the future.

This is precisely what I envisioned when I led the way on Chips and Science, working closely with bipartisan Members in the Senate and with the President and with Secretary Raimondo.

Let me thank President Biden and Secretary Raimondo for helping make these investments possible. With their vision and leadership, we are bringing manufacturing back to the U.S. We are revitalizing middle-class families. We are giving communities that have been left behind a second chance with new investments, new jobs, and new opportunity.

Getting Chips and Science was not easy. It took a lot of convincing and persistence. But today, we are starting to see why that effort was worth it. One announcement at a time, America is securing its place as the leader in the global semiconductor industry in this century.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

H.R. 7888

Mr. MCCONNELL. Mr. President, for the past 16 years, Federal law enforcement and intelligence professionals have used section 702 of the Foreign Intelligence Surveillance Act to identify and minimize foreign threats to U.S. national security. The carefully targeted authorities established back in 2008 are an essential tool for staying a step ahead of non-U.S. persons who seek to harm the American people, but unless the Senate acts today, those authorities will end tonight.

Our friends in the House understood the threat. On a bipartisan basis, they spent months working to craft sensible reforms to guard against future abuses, made changes to adapt the program to meet the demands of new technologies, and took tough votes against amendments that may sound good but would actually kill the program. The House deserves credit for reforming and reauthorizing this essential authority.

Now the Senate's choice is clear: We can pass the House's reform bill or, given the late hour and political reality, we can essentially doom the program to go dark. Pass the House's reform bill or give free rein to foreign intelligence operatives and terrorists to target America.

Over the past few days, a number of our colleagues have drawn some puzzling conclusions about the House-passed bill that would allow us to prevent section 702 from lapsing. We have heard that overdue reforms to bring this portion of the statute up to date with modern communications technology amount to a massive new dragnet to surveil innocent U.S. citizens. We have heard that if the House-passed reauthorization became law, a coffee shop's public internet would become a vector for the bulk collection of Americans' sensitive personal data.

Of course, the facts of the case are crystal clear. As I pointed out earlier this week, the Federal courts tasked with overseeing the appropriate use of section 702 authorities have already ruled that the fearmongering about new threats to U.S. citizens' privacy was completely unfounded.

Yesterday, we even heard the Democratic whip suggest that a lapse in authorities wouldn't really mean ''going dark'' even though they expire at 12 midnight. This is absurd. Big tech conglomerates do not provide these critical communications to the U.S. Government because they want to; they do so because the law compels them to. When that compulsion disappears, who are they going to listen to—their customers or the FBI, asking nicely?

Once section 702 expires, companies will stop complying. It will be up to the government to play a slow and painstaking game of Whac-a-Mole in court against an army of the most sophisticated lawyers in the country, and in the meantime, actionable intelligence will pass us right by.

This is not a hypothetical. It has actually happened before. Following a similar lapse in authority during the Bush administration, Attorney General Mukasey observed that providers ''delayed or refused compliance with our requests to initiate new surveillance of terrorist and other foreign intelligence targets under existing directives.'' He went on that this ''led directly to a degraded intelligence capability.''

China is on the march. Iran and its proxies are pushing the Middle East to the brink of war. Russian spies are reportedly plotting sabotage against U.S. military targets. Suspected terrorists are exploiting this crisis at our southern border. This is not the time to voluntarily degrade our ability to protect the American people. This is not the time for facile arguments about issues this legislation addresses head-on.

Today, power rests with the Senate. This is the end of the line. There is no one coming to relieve us of our duty. Just like the real-world consequences America will face if the House fails to pass a national security supplemental, there will be serious consequences if the Senate fails to do its job today.

The stakes of such an outcome are grave. The authorities in question today have quite literally been the only defense against would-be national security disasters. The year after section 702 was enacted, it was used to foil an active plot to bomb the subway in New York. As our colleague Senator CORNYN explained yesterday, section 702 was behind 70 percent of the intelligence community's surveillance of the cartels' synthetic narcotics operations last year.

The threats to America's security are flashing red. Our adversaries are as intent as ever on sowing chaos and violence, and a vote to send this critical legislation back to the House today is

a vote to make their job easier. The Senate must not let section 702 go dark.

SHOP ACT

Mr. President, on another matter, my Democratic colleagues like to complain about judge shopping. Of course, the real complaint is that regular Americans are succeeding in opposing liberal policies in court. We know this because when it comes to real-life judge shopping, our friends on the other side of the aisle don't seem to be particularly bothered.

I recently introduced a bill, the SHOP Act, that would stop the actual practice of judge shopping—that is, improperly steering a case to a judge or trying to knock judges off assigned cases because a litigant doesn't like them. The bill's language was based on an egregious and unethical pattern of conduct undertaken by two liberal advocacy groups in Alabama.

Well, it seems the far-left Consumer Financial Protection Bureau is in on the judge-shopping game. The CFPB was recently sued in Texas over its credit card late fee rule. After a whole lot of procedural wrangling, the case ended up before the Fifth Circuit, which ruled in favor of the rule's challengers, 2 to 1. The CFPB and its allies didn't like that. Just days after losing, the Agency filed a letter with the clerk of the court, alleging to have suddenly discovered that large credit card issuers have a financial stake in the litigation.

They didn't raise this when the case began, as required under court rules. Only afterward did they decide to take umbrage with the fact that the judge who ruled against them, Don Willett, has a son whose Coverdell education savings account includes a handful of shares in Citigroup.

Urged on by an army of Arabella Advisors, the CFPB argued that even though the case before Judge Willett didn't involve Citigroup, he had to recuse himself in case it affected the value of that stock.

In other words, after a judge ruled against them, the CFPB identified vague new parties-at-interest to ensnare the judge through his son's college savings account. What a tangled web they weave at the CFPB.

To its credit, the Judicial Conference's Code of Conduct Committee didn't buy this absurd contention. They unanimously ruled that Judge Willett was not required to recuse himself.

But in case anyone is wondering, this is what judge shopping looks like: Wait for a ruling against you and then argue late for sweeping recusal rules designed to target the judge you don't like and remove him.

Under my SHOP Act, this kind of behavior could result in severe discipline for lawyers who engage in it.

If any of our Democratic colleagues are interested in actually solving the problem of judge shopping, I hope they will join me as cosponsors.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 7888

Mr. WYDEN. Mr. President, I rise this morning to discuss what happened at the end of the debate in the House of Representatives on section 702 of the Foreign Intelligence Surveillance Act.

Particularly, I am going to be talking about the sweeping new authorities that were slipped into the legislation at that time by the chair of the House Intelligence Committee.

Then I intend to respond to each of the major arguments that have been given over the last couple of days in an attempt to justify these expanded authorities in that provision that was added at the last moment and why they do not hold water.

The chair of the House Intelligence Committee called this amendment—expanding all of these authorities—he called it merely technical. I want to explain why it is not just technical and how it passed the House with virtually no debate.

As the Presiding Officer and I have talked about, this has never been considered—repeat, never been considered—here in the U.S. Senate, but Members of the Senate are now being told the same thing that came up in the House: Nothing to see here. It is technical. And it is all classified. So stop asking questions.

Now, I have spoken to a number of colleagues here, and I have urged them to just read the plain language of the provision. When they do so, they will see for themselves that this is actually a very substantial and dangerous expansion of warrantless surveillance authorities.

Under the provision, there would be virtually no limits to who can be forced into spying for the government. Any company that installs, maintains, or repairs Wi-Fi or other communications systems in any American business or home, for example, can be dragged into this. So can any other company that provides a service that gives its employees access to any communications equipment, which would include a server, a wire, a cable box, a Wi-Fi router, a phone, or a computer.

There are lots of examples here. Every office building in America has data cables running through it. Tens of thousands of commercial establishments offer Wi-Fi to their customers. Under this provision, landlords, the companies that maintain the cables and Wi-Fi, and any number of companies whose employees have access to any of that equipment can all be forced to cooperate with the government's surveillance.

Now, my view is there have been some pretty farfetched and misleading efforts to justify what the House of Representatives did at the last minute. So I am going to address each of the major arguments that I have heard in support of the House's dangerous expansion of surveillance authorities.

First, supporters of this provision just wave away the actual language of the provision and simply insist that no terrible thing is going to happen. But nobody has ever tried to explain why the plain language of this provision wouldn't authorize the government to force a huge number of ordinary Americans and American companies to spy for the government.

Second, the administration says it is going after a narrower set of companies, but, by the way, we are not going to hear anything about it because it is all secret. That is not how laws, especially surveillance authorities, ought to be written. I am a member of the Intelligence Committee, and I am familiar with these issues.

The sky is not falling. If the government has a narrower intent, Congress can take the time to consider whether legislation is needed to actually address it. But jamming through a last-minute provision that dramatically expands surveillance authorities in a way that would affect so many Americans is just not right. I think it is irresponsible, and I think we ought to think through the implications. And anybody who thinks the government won't eventually use its authorities to the greatest extent possible, maybe they have been asleep for the last 20 years, but it is certainly a fact.

Third, supporters of this provision spend a lot of time pointing to the exceptions, but the handful of narrow exceptions makes my point. It proves my point. If you are not on that short list, in effect, it is an admission that you can be forced to spy for the government. And the exceptions are clearly designed so as not to restrain the vast new authorities in any meaningful way. They are not even designed to work.

For example, the exceptions do not include commercial landlords or any company that installs, maintains, or repairs Wi-Fi or communications cables. So even if the government can't force a coffee shop to comply, it can force its landlord or the company that maintains the coffee shop's Wi-Fi to comply.

Fourth, supporters of the provision have said over and over again that section 702 only targets foreigners overseas. This is a red herring. The provision does not change the targeting rules, but it dramatically changes who can be forced to actually help the government. And you don't have to change the targeting rules to threaten Americans' privacy. If the government thinks that its foreign targets are communicating with people in the United States, they can go right to the source: the Wi-Fi, the phone lines, the servers

that transmit or store those communications. In my view, that is a stunning example of the government's ability to collect Americans' communications, with no changes in the targeting authority.

Finally, this brings me to a letter sent yesterday by the Department of Justice, which the chairman of the Intelligence Committee placed in the RECORD. I urge my colleagues to read that carefully. It goes on and on about how the bill doesn't change the fact that only foreigners overseas can be targeted.

The surest sign that you are losing an argument is when you try to change the subject, and that is what supporters of this provision and the Department of Justice are doing. The Department of Justice letter does not deny that the provision authorizes the government to force a broad set of Americans and American companies to assist with warrantless surveillance under section 702. In fact, the Department of Justice basically concedes that fact by promising that it will only apply the new authorities to certain companies on a secret list.

The Department of Justice is in the ''don't worry anybody'' department. They are basically saying: We won't ever use these sweeping authorities you are handing to us.

That commitment, in my view, is worth nothing. It is not even binding on this administration, and it certainly wouldn't be binding on future administrations. These FISA authorities, like all FISA authorities, are going to get used to their maximum extent. You can bet on it. The same Members of Congress who are touting this supposed act of restraint from the administration are going to be the first to demand that the government do more with these authorities.

Now, secret promises are not law. That is just an obvious fact. Giving the government vast new power on the premise that intelligence Agencies are not going to use it is just out of sync with history.

One other point about the Department of Justice letter: The Department of Justice has promised to tell Congress what is going on every 6 months. Not only is that inadequate; it would be a violation of the government's statutory obligation to keep the Congress fully and currently informed of intelligence activities. If they only update Congress every 6 months on something like this, they are basically thumbing their nose at the whole idea of congressional oversight.

This provision is fundamentally damaging to democracy. Americans should not be forced to spy for the government without a warrant. Ordinary businesses, big and small, should not be made extensions of government surveillance in a way that is going to put their relationship with their customers at risk. We have actually heard from a variety of companies that are concerned about just that: their customers being concerned about their privacy being invaded as a result of this and companies being hurt.

Americans shouldn't have to worry about whether the companies that service their workplaces, establishments they frequent, or even their homes are secretly spying for the government.

My view is this is a breathtaking change that was added at the last minute by the House of Representatives, expanding surveillance authorities. Until a week ago, there was a debate about reforms of section 702, and I would say, having been involved in a number of these debates, it is appropriate to have views of differing opinion on what reforms are necessary. But at least everybody was talking about the abuses of section 702 and how to fix them.

Now, all of a sudden, the Senate is being asked to dramatically expand the authorities of the Foreign Intelligence Surveillance Act in a way that is almost guaranteed—almost guaranteed—to result in abuses. And my own view is that it is shocking that with no publication, no hearings, no processing of a piece of legislation, and a single week to think about it, the Senate is being asked to give the government sweeping new authorities that could fundamentally change the relationship in this country between Americans and their government.

If the Senate passes this legislation today, my own view is the Senators are going to regret it. And when the eventual wave of abuses is exposed, nobody is going to be able to say now—given the fact we are airing specific responses to what the government said in an attempt to justify it, nobody is now going to be able to say they didn't see it coming. There are a number of us on both sides of the aisle who are pursuing an amendment to strike this dangerous provision. I am pushing very hard to remove this provision. It ought to just be struck—it is called section 25 in the House bill—and we are pushing very hard to see that is accomplished.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 7888

Mr. CORNYN. Mr. President, the Senate is currently debating the reauthorization of section 702 of the Foreign Intelligence Surveillance Act. I call this the most important law that most Americans never heard of. But it is an essential tool for our intelligence community to protect the American people against a whole array of threats, as I will try to explain.

It is somewhat complicated, which means that it is important to make sure that we understand what the facts are and dispel any myths or any misconceptions about what exactly we are asking the Senate to vote on.

Unless the Senate takes action soon, section 702 of the Foreign Intelligence Surveillance Act will expire at midnight tonight. If that happens, the United States will lose access to valuable intelligence that is needed by our intelligence community to keep America safe. Our country's top intelligence officials have shared a number of success stories that demonstrate the far-reaching value of this authority. But the best I can tell, there is broad bipartisan consensus about the value of section 702. I have heard no one stand up and say: We should just let the authority lapse. And that is for good reason that you haven't heard that argument.

Section 702-acquired information has helped combat terrorism, disrupt drug trafficking, thwart cyber attacks, prevent our adversaries from trafficking in weapons of mass destruction, and much more.

Officials have also issued warnings that—in the starkest possible terms—about what a 702 lapse would do to our security missions. FBI Director Chris Wray said to allow 702 to expire would be ''an act of unilateral disarmament in the face of the Chinese Communist Party.'' So the stakes are extremely high.

I am glad that the Republican-led House passed a strong 702 reform bill last week. This is not a clean reauthorization of the existing bill. This is a reform bill which corrects many of the problems that we have experienced with section 702 in application, including some abuse by FBI officials and others. It is designed to prevent that inadvertent abuse and to hold people who abuse that authority accountable.

And to those who say, well, this reform bill has provisions in it that can be likewise abused by somebody who is intent on violating the law, I say there is no law that can prevent people from lying, cheating, and stealing. In other words, we could do our best to try to pass a law that protects the American people both in their privacy and their national security, but no one argues that we can prevent all abuses.

But we could go a long way—and this bill does it—to close up the opportunities to do that and to hold people accountable who do abuse the law by exposing them, potentially, to long prison sentences. This reform legislation increases transparency, as I said, prevents misuse of 702, and strengthens accountability within the FBI.

As Congress has debated this law, I have seen a lot of confusion and, occasionally, even some misinformation about this authority and the reforms being discussed. As the Senate prepares to vote on this bill, I think it is absolutely critical that we clear up a few of the most common misconceptions about section 702.

The first myth I want to address is that 702 was unconstitutional because

it allows widespread surveillance of American citizens without going to court and getting a warrant establishing probable cause. I have heard some people say, under this law, the intelligence community can spy on the American people. Nothing is further from the truth. Section 702 authority cannot be used to target any U.S. citizen, whether on American soil or elsewhere in the world. It is specifically aimed at foreign actors overseas that could pose a threat to the United States.

We all acknowledge that any investigation into any American citizen would require a warrant establishing probable cause issued by a judge, an impartial judge. That is our basic protection under the Fourth Amendment. This, in contrast, is not about targeting Americans in the United States but rather foreigners overseas. Even if the foreigner is in the United States, then section 702 would not allow that collection. There would need to be a warrant.

So the law contains robust safeguards to protect the privacy of U.S. persons and the House-passed bill includes even more provisions designed to strengthen those protections.

This first myth stems from, perhaps, a misunderstanding about what is called incidental collection of U.S. persons' data. When I use the term ''U.S. persons,'' I am including American citizens and legal permanent residents. That is why the generic term ''U.S. persons'' rather than ''U.S. citizens'' is used. For example, if an American is texting with a foreign terrorist who is a target of 702 collection, both sides of that conversation, that text, would be available. To be clear, though, the government would only see the American's communication in that one instance. Other texts, emails, and communications would remain untouched and require a warrant issued by the Foreign Intelligence Surveillance Court.

Multiple courts have examined the constitutionality of this incidental collection. The Second Circuit, the Ninth Circuit, the Tenth Circuit have all looked at it and said it does not violate the Fourth Amendment. The Eastern District of New York has, as well, as has the Foreign Intelligence Surveillance Court.

I might just pause there for a moment and remind people that the Foreign Intelligence Surveillance Court is a court created by Congress composed of three Federal judges, article III judges, appointed by the Chief Justice, who review these practices and procedures on a regular basis.

So you have three levels of oversight of these important tools. You have, at the Agency level, internal rules and regulations. You have the Senate and the House Intelligence Committees, on which I have the privilege of serving, that conducts oversight. Then you have the Foreign Intelligence Surveillance Court that makes sure that this balance between security and privacy are protected.

In every court that has looked at this issue, the court has determined that 702 complies with the Fourth Amendment insofar as incidental collection is concerned.

Section 702 does not authorize spying on the American people. You know, it reminds me of a saying of Mark Twain. Mark Twain said: ''A lie can travel halfway around the world in the time it takes the truth to put on its shoes.''

Unfortunately, some of these things get on social media, and people begin to believe them because they see it repeated, even though it is not true. This is a carefully crafted law designed to balance national security imperatives with individual privacy rights.

Myth No. 2: Congress could strengthen privacy protections and preserve 702 by adding a warrant requirement. This requires a little bit of an explanation. I mentioned the text between a target, a foreign target, and an American citizen and the incidental collection—that is the communication between those two—that would be revealed by 702. Then it is added to a database that can then be queried or explored by subsequent actions by intelligence Agencies, including the FBI.

Some would say: Well, in spite of the fact that no court has held that that incidental collection is unconstitutional or violates the Fourth Amendment, before the FBI or any part of the intelligence community wants to look at that lawfully collected data, it has to go to court and get a warrant. Again, this could require the government to show probable cause that some crime—maybe espionage, maybe some other crime—has been committed.

All of the officials who served in positions of responsibility in making sure that this capacity continues safely and respecting the rights of privacy, as well as the security of our country, has said that adding a warrant requirement to look at information that you already lawfully collected would decimate the effectiveness of section 702. This is unlike a traditional criminal investigation where warrants are issued based on probable cause because of criminal activity.

Intelligence gathering is unique because it involves monitoring foreign actors to detect and prevent threats before they occur. In other words, regular law enforcement doesn't go in and try to stop criminal acts before they occur.

Unfortunately, we are relegated to investigating and prosecuting crimes after they occur. That is the criminal law context.

Intelligence gathering is very different because it is designed to prevent terrible actions from occurring in the first place, like the 3,000 Americans that were killed on 9/11 when al-Qaida targeted the World Trade Center and the Pentagon.

As Director Wray has said:

In a technology environment where foreign threat actors can move to new communication accounts and infrastructure in a matter of hours—if not minutes—[section] 702 provides the agility we need to stay ahead.

Requiring a warrant for every inquiry into lawfully collected information in the 702 database would significantly hinder the ability to respond to emerging threats. Again, this is looking at information that every court that has looked at it has said is lawfully collected under the Fourth Amendment. Our intelligence community would be held to an impossible standard knowing the nationality and location of every single person that the foreigner and foreign land may be talking to before they could make any targeting decision.

The Senate has before it an amendment that would hold that no person—so that would include the entire intelligence community—may access information of a covered person except in limited circumstances. A covered person is broadly defined and would include incidental communications of U.S. persons, something which is already lawfully collected.

But the truth is, this amendment would hamper the 702 program in dangerous ways. If an amendment containing this language passes, the CIA or the NSA will be unable to monitor Hamas or ISIS terrorists abroad unless and until they can determine the national identities and physical locations of everyone that terrorist may be talking to, texting, or emailing with. It is an impossible burden.

The Senate is already expected to vote on an amendment to the House bill that injects a different type of massive legal hurdle in the 702 process. That would be similarly confining and limiting in terms of its effectiveness.

This amendment would dramatically expand the role of an amicus. Now, in the law we talk about amicus curiae, ''friends of the court.'' That is what an amicus is. That is an outside person coming in basically to provide legal advice or a briefing to a court to help the court make a decision.

And there already exists an amicus provision in the current law so that if the Foreign Intelligence Surveillance Court needs input or expertise or advice on a complex matter, it could ask for that. That already exists.

What this amendment would do, it would impose an amicus appointment on virtually every Foreign Intelligence Act title 1 matter and place, again, unworkable burdens on the Foreign Intelligence Surveillance Court and on the intelligence community seeking access to that information.

What that means, in practical terms, is that we would get bogged down in court proceedings and not just in front of the Foreign Intelligence Surveillance Court. This amendment would allow an appeal of the Foreign Intelligence Surveillance Court's decision presumably all the way to the Supreme Court.

Can you imagine in a time-sensitive national security matter that we are going to basically take a timeout so we

can appeal a case up and down the Federal judiciary, potentially to the Supreme Court? Who knows how long the delay might be.

The urgent intelligence request before the Foreign Intelligence Surveillance Court would become a means to gut section 702 through a series of legal delays. In effect, one actor who disagreed with the Foreign Intelligence Surveillance Court's determination would have the ability to stop what is already a constitutional and lawful program in its tracks.

This is a radical departure from the role of an amicus or friend of the court in normal court proceedings. The friend of the court, the amicus curiae, is there to provide expertise and help the court get it right, not to gum up the process or to become an adversary.

As I noted, agility is key to section 702. It gives our intelligence professionals timely and actual intelligence to keep Americans safe. Expanding the role of the amicus to turn them into an adversary to this process would hamper the program and, I believe, make it far less useful.

The House has already had a very thoughtful debate about this topic and I believe crafted a bill that expands amicus participation in a reasonable and productive way without shutting down the process.

Finally, myth No. 3: There will be no impact if section 702 expires tonight at midnight because other directives will replace it.

Well, like many misconceptions, this is based on a grain of truth. Earlier this month, the Foreign Intelligence Surveillance Court renewed the annual 702 certification and procedure process through April of 2025. Interestingly, as I mentioned, the Foreign Intelligence Surveillance Court, which includes three article III judges, lifetime-tenured judges, regularly sign off on the practices and procedures under section 702 and have found them to be lawful and constitutional.

And they have certified the current process through April of 2025, but that does not mean that the program can continue uninterrupted for another year. In the event of a lapse tonight at midnight, some communications and service providers will stop cooperating with the U.S. Government. That is exactly what happened in 2008 when the predecessor of section 702 called the Protect America Act briefly lapsed.

The Attorney General and Director of National Intelligence at the time wrote to Congress about the impact of a short-term lapse. They said:

> [Providers] delayed or refused compliance with our requests to initiate new surveillances of terrorists and other foreign intelligence surveillance targets under existing directives issued pursuant to the Protect America Act.

But they said, ultimately, the lapse ''led directly to a degraded intelligence capability.''

None of these American-based companies are going to cooperate with the intelligence community unless they have a law in place that provides them a requirement that they do so and the legal protections that go along with that.

Even though the Department of Justice could go to court and move to compel the companies to continue to cooperate under the current certification, litigation would inevitably lead to delays while vital intelligence is lost.

And I believe that without 702, there is no way these companies will be required to or be willing to cooperate. And there couldn't be a more dangerous time to put this gambit to the test.

Director Wray and the Director of National Intelligence, CIA Director Burns, all of the members of the intelligence community, the leaders, have said the number of threats facing America has never been greater, certainly not since World War II.

Iran and its terrorist proxies are attacking Israel; Russia is continuing its assault on Ukraine; and China is fueling instability in the Middle East. Section 702 underpins our ability to predict and respond to each of these threats, and we would be flying blind without 702.

So 702 misinformation runs rampant, but here are the facts: 702 complies with the Fourth Amendment. Every court that has considered the matter has reached that conclusion.

Section 702 is invaluable because it gives the United States timely and actionable intelligence. Warrant requirements for a dramatic amicus expansion would undercut that capability.

And finally, unless section 702 authority is extended today, our intelligence capabilities will take a hit. There is no question about it. We cannot count on these communication providers to keep providing information and cooperating once congressional authorization expires.

In conclusion, I would say there is a lot on the line today, and Congress cannot, in good conscience, deprive America's dedicated intelligence professionals of the authority they need to continue to keep our country safe. Section 702 of the Foreign Intelligence Surveillance Act is vital to our national security and must be extended as reformed in the House bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

FEDERAL AVIATION ADMINISTRATION

Mr. KAINE. Mr. President, I rise, alongside my colleague Senator WARNER, to comment on a near-miss incident that occurred yesterday at Reagan National Airport and what it means in the context of the FAA reauthorization bill that we are considering and will take up likely right after recess.

The incident yesterday was a big warning light flashing red, telling Congress not to take steps that would weaken the safety of this airport.

Yesterday morning, at 7:40 a.m., a Southwest Airlines plane and a JetBlue plane nearly collided while simultaneously attempting to cross the same runway. One flight was preparing to take off from runway 4, which is a smaller commuter runway, while the other was attempting to cross from an apron to the main runway, runway 1, that carries 90 percent of the flights in and out of DCA.

Yesterday was not an unusually busy day; it was a typically busy day on the Nation's busiest runway at DCA. And while the FAA is still investigating the incident, there is disturbing audio that is circulating that I hope every Member of this body will listen to.

In the audio, you can hear air traffic controllers frantically yelling at each plane over the communications to ''Stop! Stop!'' before both planes were able to halt their movements and narrowly avoid a collision.

We are all relieved that disaster was averted and that no injuries or damages occurred, thanks to the actions of the ATC professionals at DCA. But I am incredulous that in a discussion about reauthorizing the Federal Aviation Administration—a bill that is meant to make travel safer—some Members of Congress view this package as an opportunity to jam even more flights for their own personal convenience into a runway at DCA that is already overburdened and can't handle extra capacity. The gamble is exactly the opposite of improving public safety.

The Federal Aviation Administration and the regional airport commission created by Congress, the Metropolitan Washington Airports Authority, both agree that adding any flights—any flights—to DCA will increase delays due to the increased risk for incidents like this. Any flights into DCA will increase delays due to the increased risk for incidents like this.

DCA is a fraction of the size of our other two regional airports, Dulles and BWI, and the length of its runways are shorter. In fact, two of the runways are so short that 90 percent of the traffic—800 flights a day—has to be put onto the main primary runway.

Since 1986, Congress has recognized the capacity limits at DCA by restricting the number of nonstop flights that can originate out of DCA to airports outside of a 1,250-mile perimeter, with Dulles and BWI planned as the growth airports for the region's aviation needs.

However, in the past and right now, during discussions about FAA reauthorization, certain Members in both Houses have attempted and in some cases succeeded in making changes to these rules that have disrupted the balance in the airport system by adding additional flights from Reagan to destinations outside the perimeter. These changes have produced significant stress on DCA's facilities and created frustrations for travelers, businesses, and local residents.

We have been warning about this for over a year, but I hope that the incident yesterday may help Members finally take note of the evidence that the system is already overflowing its capacity, and we can't risk public safety by cramming more flights into and out of DCA.

The House of Representatives passed their version of the FAA reauthorization bill with a floor vote that resoundingly rejected additional flights at DCA on a bipartisan basis.

But, unfortunately, here in the Senate Commerce Committee, a package was produced that adds 10 more flights in and out of DCA without so much as an up-or-down vote on that provision.

While some may point to other safety features in the FAA reauthorization bill to help avoid near-misses in the future, I can't stand by and assume that adding safety risks by allowing more flights—my constituents will not tolerate that, and the 20-plus million people who fly into and out of DCA every year should not have to tolerate that.

So to sum up, a provision was added to the Senate FAA bill in committee that had been explicitly rejected by the House of Representatives, that has been warned against by the FAA, that jeopardizes safety, that negatively impacts the performance of three airports, and the provision was negotiated by a committee on which none of the Senators who represent the region sits.

This is unsatisfactory, and I am going to say to this body and then act in accord with what those air traffic controllers said yesterday: ''Stop! Stop!''

I yield to my colleague Senator WARNER.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I want to first of all thank my dear friend and colleague from Virginia for his impassioned remarks. And I know that the Presiding Officer can't enter into these discussions, but as the gentleman who represents the neighboring State of Maryland, I think I can say, without fear of being contradicted, that the Virginia and Maryland delegations in the U.S. Senate are completely united in total agreement on this issue.

As Senator KAINE just pointed out, I think it is amazing that there has not been more news coverage of it yet. I hope that the paper of record, the Washington Post, actually covers some of these items, but two planes came within 300 feet of colliding at DCA on the runway.

Now, I am thankful there was no loss of life, but it is just plain unacceptable that this even happened. And, again, Senator KAINE said you don't have to take his word. You don't have to take my word. You can go online and listen to the audio from the control tower to understand just how frighteningly close we came to disaster. That we came so close to catastrophe yesterday makes it absolutely clear: It is just plain crazy that some are pushing to add even more flights to DCA's already overburdened runway.

Let me go through some of the stats. DCA averages 819 daily takeoffs and landings from its main runway. That is more than any other runway in the Nation. That is more than any runway at LAX, Chicago O'Hare, Atlanta Hartsfield, at Newark—you name it. The most overburdened runway in America is DCA.

Yesterday's near crash is a stark example of the burden this airport already faces. Again, how did we get here? Well, the airport was designed to accommodate 15 million passengers. Last year, 2023, in part thanks to, as my colleague said, over the years, chipping away on the perimeter rule—every 5 years when FAA comes up, people try to chip away. So last year, in part thanks to this chipping away, it broke an alltime record, DCA—25.5 million passengers. That is 10.5 million additional passengers beyond what DCA was designed for.

What does that result in? Well, you have the near catastrophe last night, yesterday, but in 2022, DCA—Reagan Airport—had the third worst cancellation rate amongst the Nation's busiest airports. As of today, the current status, 20 to 22 percent of flights into and out of Reagan experience delays averaging 67 minutes.

There are some who have argued that while Reagan is at capacity during peak hours, between 6 a.m. and midnight, additional flights could be added during nonpeak hours, after midnight and before 6 a.m.

First of all, I said to my colleague, I have not heard any airline coming in and begging for a 2 o'clock or 3 o'clock or 4 o'clock in the morning flight, and, frankly, I would be very skeptical there would be much consumer demand. Unlike my colleague, who is a morning person, I am known to be a little bit more of a night owl, but you are not going to find me climbing on an airplane at 3 a.m. in the morning.

Second, as we pointed out over and over, Reagan's runway is already the busiest runway in America. Any flexibility that still remains in Reagan's schedule after Congress has continually loaded it up with new flights over the years should not be made by Congress; it ought to be made by the operators of the airports in conjunction with the FAA to manage safety, timeliness, and delays.

If we don't do this, if we end up with the Senate position that at least the Commerce Committee has floated, if we end up anything close to what the Senate Commerce Committee has advocated, near crashes such as yesterday would become much more common.

For all the Members who already use this airport, think about that not only in terms of the overall safety but just how you climb on an airplane almost on a weekly basis.

The so-called five new slots, which means you have to come and go—that means 10 additional long-haul flights beyond the currently existing DCA 1,250-mile perimeter rule—would be flown almost exclusively, because they would go longer, with larger airplanes. Larger airplanes, again, take longer to taxi more people into the terminal, already straining Reagan's resources.

Considering yesterday's near crash and an average of 819 daily takeoffs and landings already, why would we sacrifice safety or, for that matter, just the ability to get in and out of the airport in a timely manner any more?

The safety of the flying public must be our primary focus. Yet we are now debating, as my colleague said, whether some lawmakers who want this added convenience are somehow more important than passenger safety. Incidents like this incident that happened yesterday, with the position of additional flights, would be happening on a much more common basis, would dramatically undermine the basic role of the FAA: the safety of the flying public.

We should not take that action when the FAA reauthorization comes up.

It is not often that we say in this body that we ought to listen to the House, but in this case, we ought to listen to the House. They had a full-flung debate on this issue, and an overwhelmingly bipartisan position came up with zero new flights out of Reagan.

I urge my colleagues to prioritize the safety of the flying public and reject any changes to slot and perimeter rules at Reagan in the FAA reauthorization bill we will take up shortly.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

SUDAN

Mr. CARDIN. Mr. President, a year ago, artillery and gunfire erupted in the capital of Sudan. Smoke filled the air as people ran for their lives. It was the beginning of a vicious war between two armed factions: the SAF—the Sudanese Armed Forces—and the RSF—the paramilitary Rapid Support Forces.

In the last year, there has been absolute devastation in Sudan. At every turn, unarmed Sudanese have been in the crosshairs. These armed groups have committed extrajudicial killings. They have indiscriminately bombed civilian targets, like hospitals. They have used rape and sexual violence against women of certain ethnic groups as a weapon of war. They have razed cities and towns, killing inhabitants and strangling commerce and trade. They have destroyed farmlands and forced farmers to leave, preventing harvests. They have looted humanitarian supplies, attacked aid workers,

and blocked aid delivery. The World Food Programme's Sudan director said this May could bring ''unprecedented levels of starvation.''

According to the United Nations, more than 15,000 people have been reported killed, with an additional 10- to 15,000 in one town in Darfur alone.

Eight million people have fled their homes. Twenty-five million, including 14 million children, need humanitarian assistance, very basic materials like food, water, medicine, and clothing.

The president of Doctors Without Borders said:

Sudan is one of the worst crises the world has seen for decades.

As I speak, the town of Al Fashir is under siege. Millions of civilians are trapped in that city, which is controlled by the SAF. The people in this town have no access to aid, and the international community has no plan to protect them should the RSF mount a full-scale assault.

My colleague on the Senate Foreign Relations Committee, Senator BOOKER, has just come back from the region. He gave us a firsthand account of the hunger, the violence, and the trauma the Sudanese people are facing. Last week, Samantha Power testified in front of the Senate Foreign Relations Committee about the imminent famine. Just this week, the Raoul Wallenberg Centre for Human Rights released a report concluding that the RSF is committing genocide in Sudan.

The evidence is clear and overwhelming. We must take action now.

At this week's humanitarian conference in Paris, the United States announced an additional $100 million in aid to respond to the conflict. The United States has been the largest donor to date. The French are also saying they raised more than €2 billion. Money pledged is not money in hand, however, and we all need to do more.

I am pleased that when the Senate passed the security funding supplemental, it included more than $9 billion in additional humanitarian aid. Part of that humanitarian aid would go to help the people of Sudan.

I know there is bipartisan support for humanitarian aid in Congress. Yet, despite the heroic efforts of my colleagues on the Appropriations Committee, the foreign assistance budget for this year declined in some parts of USAID by as much as 10 percent. We need to expand the pie, not shrink it; otherwise, when we try to address one crisis, we have to take money from another emergency circumstance. We should not have to choose between saving starving Sudanese or saving starving Gazans. We should not have to choose between helping Haitians or helping Ukrainians. Every life is precious, and every day we wait matters.

I hope my colleagues in the House who are still debating the supplemental funding bill understand that. There are so many reasons why they need to pass the supplemental. I would have hoped they would have taken our bill and passed it. They now have a different formulation of it. I hope they will get to as soon as possible the supplemental funding bill.

Yes, it is critical for Ukraine—absolutely. They literally are depending on that supplemental to have the ammunition and support they need to defend themselves against Russia. It is important for our friends in the Middle East—for Israel. It is important for the Indo-Pacific. It is absolutely essential, the humanitarian aid that is included in that supplemental, for the people of Sudan.

Russia is relentlessly bombing and destroying Ukraine's oil and gas energy sector. Ukraine is running out of ammunition.

Secretary of Defense Lloyd Austin said:

Ukraine's survival is in danger.

Any delay in the supplemental funding means the security situation gets worse, just as the humanitarian situation gets worse.

Famine has been declared only twice in the past 13 years. Gaza and Sudan will be next unless we act.

Famine-prevention efforts have a good track record. In 2017, we prevented three out of four potential famines after Congress passed a supplemental appropriations bill.

America's strength is in our values. The global community depends upon our leadership. Our values demand that we don't stand by when people are starving. We have the capacity, and we certainly need to act and show that we live by actions on our values.

Ultimately, the only solution to the crisis in Sudan is for the two sides to sit down and negotiate peace. We have to stop the warring factions, and we have to stop the outside countries' support that have chosen sides here and are adding to the civil war that is taking place. But in the meantime, they must allow unfettered humanitarian access throughout the country.

As we mark the 1-year anniversary of the conflict, I want to say to the international community, to the Biden administration: My view as chair of the Senate Foreign Relations Committee is that we need to act now. We need other donors to step up and put their money where their mouths are now. We need to support Sudan's neighbors who are hosting countless refugees now. We need diplomatic talks to end the war in Sudan to resume now. It is time to set a date.

Finally, to my colleagues in the House: You need to act now to pass the supplemental appropriations bill that we sent to you in mid-February and provide a lifeline to the millions of Sudanese whose lives are on the line. We must not stand by idly and watch them perish.

I urge us all to act with urgency.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

AMBLER ACCESS PROJECT

Mr. SULLIVAN. Mr. President, I came to the floor of the Senate last night to talk about a big choice President Biden was going to make today. Unfortunately, he made the wrong choice for America, for our allies, for Alaska, for my constituents.

The choice was whether he was going to make a big decision to shut down two of the biggest resource development areas in America, a place we call the National Petroleum Reserve in Alaska in the Ambler Mining District of Alaska, some of the biggest deposits of critical minerals in America—in the world—and one of the biggest, most prolific basins for oil and gas in the world, where we in Alaska produce these minerals and these resources, which we need, better than anybody, with the highest environmental standards in the world.

The President shut them down today—shut them down today. It certainly hurt American workers and benefited the dictators of the world. He won't sanction Iran for oil and gas, but he sure as hell will sanction Alaska.

It is a little crazy. If you are an American watching: Why would we do that? I will get to that.

It is a real disappointment, a dispiriting day in Alaska. I talked about how infuriating this was, particularly for my constituents, workers, Alaskans, but particularly for the Inupiat Alaskan Native people who live on the North Slope of Alaska. One of these rules—the National Petroleum Reserve of Alaska rule—directly impacts them.

I am frustrated. Senator MURKOWSKI is very frustrated. Congresswoman PELTOLA is very frustrated. We put out a press release denouncing this decision this morning.

But the people who are really, really frustrated and, to be honest, insulted are these great Americans, these great indigenous leaders in my State because they are the ones this rule is going to impact. This rule is about the North Slope of Alaska, an incredible place. They are the leaders. They are the indigenous people who live there.

As I mentioned in my remarks last night, the Biden administration just won't listen to them at all. You want to talk about cancel voices for indigenous Americans? The Biden administration won't listen to them. This group of great Alaska Natives, as I mentioned last night, have come to Washington, DC. These are the elected leaders of the North Slope where this rule was solely going to impact. They came to Washington, DC—flew 4,000 miles eight different times—to meet with Secretary Haaland to say: Madam Secretary, this is our land. Don't do this. You are going to hurt our future.

You are going to hurt our prospects to live. We have been living there for 10,000 years.

Do you know how many times Secretary Haaland met with these great Americans—eight different trips to Washington, DC? Zero. Zero.

So, again, I will just show this real quickly. It is really important. This is the area of Alaska that I am talking about, the North Slope, right up here. This whole area is the North Slope of Alaska. It includes ANWR, the National Petroleum Reserve of Alaska. This is a rule that will impact this whole area. The size is about the size of Montana. We are a giant State.

These are the leaders. We have a borough, mayor, and borough assembly. We have Tribal leaders, leaders of Alaska Native corporations. These are all the elected Inupiat leaders.

This part of the State, that is where the rule was announced today, and every one of them tried to come here and say: President Biden, Secretary Haaland, don't do that to us. It is going to really harm us, and we know more about our land than you guys do. We have been living there 10,000 years.

These are great Americans. Their voices were canceled. But I will tell you, when I saw the press release from the President of the United States today and Secretary Haaland today on this decision, I don't think I have ever been more disgusted in my 9 years as a U.S. Senator from what I saw from this White House, from this President, and this Secretary of the Interior.

Here is why, Mr. President. You know me. I am a pretty calm guy. I don't use words like ''lying.'' OK. Here is what happened today. This administration won't listen to these great people—never did. So they are canceling their voices. Then, today, they are stealing their voices—stealing their voices. As I said, I have never seen anything more despicable than this. The Biden administration won't listen to these great Americans, but then when they put their press release out today, they are telling the rest of the country: We are doing this to benefit the indigenous people of the North Slope. That is in the press release. They won't listen to them because they don't want the rule and then they put the statement out today and they told the American people: We are doing this to help these great Americans.

Stunning.

Mr. President, that is what you call a baldfaced lie. So here is the statement from President Biden, himself, a couple of hours old, and he said:

> I am proud that my Administration is taking action to conserve more than 13 million acres [of their land] and to honor the culture, history, and enduring wisdom of Alaska Natives who have lived on and stewarded these lands since time immemorial.

That is the statement of the President of the United States. That is a baldfaced lie because he is saying: I am the President. I am doing it to help these great Alaska Native people. And guess what. They were totally opposed to this rule, and Secretary Haaland wouldn't even meet with them.

It gets worse. Here is Secretary Haaland's statement. She said: We are taking this action today to safeguard ''the way of life for the Indigenous people''—those people—''who have called this special place their home''—their home—''since time immemorial.'' That is Secretary Haaland.

This is just unbelievable. Like I said, I have never seen anything like this. The Biden administration won't listen to the indigenous people of the very place they are going to do a huge rule on, negatively impacting their lives, and then when they put the statement out on why they are doing it, they tell the rest of the country they are doing it to help them.

I have never seen such hypocrisy and lying from the President, from the Secretary of the Interior.

And by the way, a little bit of an aside—it is not just lying, it is unbelievable hypocrisy—particularly as it relates to the Secretary of the Interior. When she announced these proposed rules to lock up the North Slope of Alaska, she said she was going to do it because of the ''climate crisis and to deliver on the Biden administration's most ambitious climate agenda in history.''

So that is their rule. We are shutting down the North Slope of Alaska, hurt these great Americans because of the climate crisis. We are going to go after Alaska and the Inupiat Natives. So that was the goal. Ignore their voices.

But if Secretary Haaland was really interested in the climate crisis, I am wondering why she doesn't do more with regard to her own State—her own State. What am I talking about here?

In the first 2 years of the Biden administration, over half of all permits—9,000 Federal permits—to drill for oil and gas on Federal lands went to which State? Can anyone guess? Alaska? Hell, no. They are shutting us down every day. More than half—over 9,000 permits to drill for oil and gas on Federal lands—went to which State? You guessed it. New Mexico. Whose home State is that? Oh, my gosh, the Secretary of the Interior.

Get this number. And, look, if there is anyone in the press listening, can you please write this story? I am going to get to that in a minute.

At the beginning of the Biden administration, New Mexico—New Mexico is in the red, gray is Alaska. Alaska has been about steady for over a decade, about 500,000 barrels a day. That is a lot. We were a lot more at one point—steady. At the beginning of the Biden administration, New Mexico was about a million barrels a day. You know where they are now? Almost 2 million barrels a day. Whoa. Where are the radical environmentalists wanting to shut down New Mexico? Wait a minute. No one is touching New Mexico. They increased production under President Biden by a million barrels a day on Federal land. Where is our intrepid American press to write this story?

Think about this one. Think about the flip side of all this. A Republican administration gets elected. They say we are going to shut down the oil production of a Democrat State. We are going to crush the Native people in that Democrat State. We are not going to listen to them at all. And then we are going to make sure that that home State of the Republican Secretary of the Interior is going to be drill, baby, drill on Federal lands—2 million barrels a day, increased by a million barrels a day. And what is this administration doing? Folks are shutting down Alaska. We are steady at 500,000. Drill, baby, drill for Secretary Haaland and New Mexico on Federal lands.

If that story were happening right now, the New York Times, the Washington Post would be writing about it every day. They would be calling it a scandal. They would be looking for corruption. They would be calling for resignations. But this identical situation—I don't think the press has written about it once. No wonder the American people don't trust the media. It is such an obvious story of hypocrisy to write about and nobody does.

I am digressing here. I want to get back to what happened today. As I mentioned, the President and the Secretary put out statements today saying: Well, we did this to help the Inupiat Native people of Alaska on the North Slope.

It is a lie. It is a lie.

Let me get back to this. It is simply not true. How do we know? Because I am going to do what the Biden administration didn't do. I am going to give voice to my constituents who live in this place that just got shut down today.

Here is a press release from a group called the Voice of the Arctic Inupiat.

Mr. President, I ask unanimous consent to have this press release printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the VOICE of the Arctic Iñupiat, Apr. 19, 2024]

IN UNILATERAL NPR–A DECISION, BIDEN ADMINISTRATION CONTINUES TREND OF SILENCING INDIGENOUS ELECTED LEADERS

ANCHORAGE, AK.—Today, Indigenous elected leaders from Alaska's North Slope are unified in their outrage over the Biden administration's decision to advance its September 2023 Proposed Rule from the Department of Interior (DOI) to ''protect'' 13 million acres of our ancestral homelands and waters located within the National Petroleum Reserve in Alaska (NPR–A) from the very people that live there. The federal government's unilateral mandates will stymy decades of progress for the Indigenous North Slope Iñupiat, who have stewarded their homelands, which completely encompass the NPR–A, for over 10,000 years.

''The federal government has again excluded the Indigenous North Slope Iñupiat from policymaking by issuing a final rule for the NPR–A that does not reflect our communities' wishes,'' said Voice of the Arctic

Iñupiat President Nagruk Harcharek. ''This is a deeply concerning trend by an administration that regularly claims to be the most Indigenous friendly government on record. Yet, this administration's record does not live up to its own rhetoric. As a result, the final NPR–A rule will hurt the very residents the federal government purports to help by rolling back years progress, impoverishing our communities, and imperiling our Iñupiat culture. To quote one of our 20th century leaders, 'There's not much you can do when your own government says shut up. It hurts.' ''

Over 95% of the North Slope's tax revenue is derived from taxation on resource development infrastructure. These funds support essential services, like schools, health clinics, modern water and sewer systems, and world-class wildlife management and research supporting Indigenous subsistence traditions. The proliferation of these services is directly connected to significant increases in average lifespan for the North Slope Iñupiat from just 34 years in 1969 to 77 years today—the largest increase of its kind in the United States over that period.

''The DOI seems to believe that they care about this land more than we do,'' said North Slope Borough Mayor Josiah Patkotak. ''The elected leaders of the North Slope spoke in unison in opposition to this rule and the rulemaking process.'' To refuse to listen to our voices is to say that you know better—better than the people who have been this land's stewards for the past 10,000 years, and who depend on its continued health for their own survival. We deserve the same right to economic prosperity and essential services as the rest of this country and are being denied the opportunity to take care of our residents and community with this decision. It is insulting and, unfortunately, representative of the federal government's treatment of our Indigenous voices for decades.''

The North Slope Iñupiat were not consulted by federal officials prior to the Proposed Rule's announcement in September 2023 and learned of the new restrictions through the media. By excluding regional Indigenous communities from the policymaking table, the administration produced a deeply flawed rule that will impose dire economic consequences on the North Slope Iñupiat's communities and culture.

''On multiple occasions, the elected leadership of the North Slope shared with administration officials our unified opposition to this rule,'' said Arctic Slope Regional Corporation President and CEO Rex A. Rock, Sr. ''The Administration has chosen to ignore the consensus opinion of Indigenous organizations from our region. As stewards of the Arctic for millennia, the North Slope Iñupiat know our lands better than anyone else. Alongside our region's tribes, local governments, and Alaska Native village corporations, we will continue to fight to have our voices heard.''

Local Indigenous elected leaders made every effort to highlight the negative repercussions of the Proposed Rule to the White House and the DOI, but they were stonewalled repeatedly by federal officials more concerned with advancing their proposal than listening to the legitimate concerns of Indigenous people. DOI Secretary Deb Haaland herself ignored or denied at least eight meeting requests from North Slope Iñupiat elected leaders, including an inexcusable decision to deny a meeting during a recent multi-day trip to our home state of Alaska.

''As the North Slope's federally recognized Tribe, we have experienced a severe lack of process, meaningful engagement, including a lack of notice for tribal consultation something we are still waiting for to this day,'' said Iñupiat Community of the Arctic Slope Tribal Secretary Doreen Leavitt. ''As a federally recognized tribe, we are required to follow federal laws and policies when engaging in the government-to-government relationship, but this administration has failed to follow its own policies, executive orders, and department consultation guidelines.''

''This rule, and the process by which it has been finalized, is a setback for Olgoonik Corporation and the future generations who intend to continue living on the lands of their ancestors in our Iñupiat community of Wainwright,'' said Olgoonik Corporation President and CEO Hugh Patkotak, the ANCSA village corporation from Wainwright, AK and a private landowner neighboring the NPR–A. ''Today's final rule was not something we asked for, wanted, or support. As the neighboring landowner to the NPR–A, we are frustrated this rule could impede responsible infrastructure and economic development opportunities. I will reiterate what I've said previously, when a government entity writes rules about the area in which our people live and subside, they must come to us first. That didn't happen here.''

The 24-member Board of Directors for the Voice of the Arctic Iñupiat, which represents the vast majority of organizations on the North Slope, issued a resolution condemning the DOI's failure to follow its own guidelines, as well as executive orders from President Biden himself, outlining the department's legal obligation to consult with federally recognized tribes and Alaska Native Corporations on policies affecting their lands and people. Their position is shared by many Alaskans from across the state, as exemplified by the Alaska State Legislature's recent passage of the bipartisan HJR20, which urged the federal government to reverse its September 2023 decision on the NPR–A.

Mr. SULLIVAN. Let me talk a little bit about the Voice of the Arctic Inupiat. It is a nonprofit organization established in 2015 by the North Slope region's collective elected Inupiat Native leadership. It is dedicated to preserving and advancing the North Slope, the Inupiat culture, and economic self-determination.

It includes local governments, Alaska Native corporations, federally recognized Tribes, and Tribal nonprofits across that entire North Slope region.

The board of directors of the Voice previously issued a strong resolution in opposition to the Biden administration's NPR-A rule that went into effect today, impacting their ancestral homelands.

Just because it is really important, I want to give a sense of how many people. It is literally tens of thousands that the Biden administration is ignoring. The Voice of the Arctic Inupiat constitutes the following communities and organizations: Point Hope, Point Lay, Wainwright, Utqiagvik, Atqasuk, Anaktuvuk Pass, Nuiqsut, Kaktovik.

Members include the Arctic Slope Native Association, Atqasuk Corporation, the city of Atqasuk, the city of Kaktovik, the city of Wainwright, the Inupiat community of the Arctic Slope, the Native village of Atqasuk, the Native village of Kaktovik, the Native village of Point Lay, the North Slope Borough School District, the Olgoonik Corporation, the Ukpeagvik Inupiat Corporation, the Arctic Slope Regional Corporation, the city of Anaktuvuk Pass, the city of Barrow, the city of Point Hope, Ilisagvik College, the Kaktovik Inupiat Corporation, the Native village of Barrow, the Native village of Point Hope, the North Slope Borough, Nunamiut Corporation, the village of Wainwright, and the Tikigaq Corporation.

That is who is represented. That is tens of thousands of my constituents, and they are all against this rule. And they all live in the region where the rule is going to impact my State. And these are great people, by the way—whaling captains, veterans. Alaska Natives serve at higher rates in the military than any other ethnic group in the country—patriots. They love America. They are defenders of their culture. They are generous. They are humble. I am so honored to represent these great Americans as their Senator.

So here is her letter, and I am just going to quote from it because it shows just what a travesty and what a bunch of baloney the President of the United States and Secretary Haaland's statements were today. Remember, they wouldn't meet with these people—these great people—and now their statements say: We are doing it on their behalf.

So let's see what they said in their press release today—the elected Alaska Native leaders who, supposedly, had this rule done for them by Joe Biden's graciousness—a big lie. Here is the president of the Voice of the Arctic Inupiat, Nagruk Harcharek, who is a great American.

The federal government has again excluded the Indigenous North Slope Inupiat from policymaking by issuing a final rule for the NPR-A that does not reflect our communities' wishes.

Oh, I thought Deb Haaland and Joe Biden said it did.

He continues:

This is a deeply concerning trend by [the Biden] administration that regularly claims to be the most Indigenous friendly government on record. Yet, [the Biden] administration's record does not live up to its own rhetoric. As a result, the final NPR-A rule [issued today] will hurt the very residents the federal government purports to help by rolling back years [of] progress, impoverishing our communities, and imperiling our Inupiaq culture. To quote one of our [great] 20th century leaders, ''There's not much you can do when your own government says shut up. It hurts.''

That is the leader of the Voice in his press statement today. But Secretary Haaland and President Biden just put out a press statement saying: We did it to help that guy.

It is a lie—a big lie.

Let me get to some of the other leaders in this press statement. And by the way, if you are a national media journalist, can you please quote this, one of you guys, please? New York Times, you never—you never—listen to the voice of the Native people. You cancel them all the time. Washington Post, come on. Do your job. Quote these people. Don't just quote Haaland and Biden. It is frustrating.

OK. Here is the mayor of the North Slope Borough. So, remember, this is a big borough—huge, actually. Like I said, I think it is bigger than Montana. Josiah Patkotak—I happen to know him too. He is a great American, a wonderful leader. Here is what he said—the mayor, remember. He is elected, the borough mayor. He is an Inupiat Native. ''The [Department of the Interior] seems to believe that they [can] care about this land''—our land—''more than we do.''

Mayor Josiah Patkotak said:

The elected leaders of the North Slope spoke—

Native leaders—

in unison in opposition to this rule [during] the rulemaking process. To refuse to listen to our voices is to say that you—

Federal Government, Joe Biden, Secretary Haaland—

know better—better than the people who have been this land's stewards for the past 10,000 years, and who depend on its continued health for [our] own survival.

This is the mayor of the North Slope Borough. He continues:

We deserve the same right to economic prosperity and essential services as the rest of this country [as other fellow Americans] and are being denied the opportunity to take care of our residents and community with this decision [by the Biden administration.] It is insulting and, unfortunately, representative of the federal government's treatment of our Indigenous voices for decades.

So, Mr. President—and I am talking now to President Joe Biden—don't keep calling yourself the most important administration with Indigenous people. You are screwing the people of the North Slope of Alaska.

Let me continue. This is another leader, Tribal Secretary Doreen Leavitt, whom I also know, from a great family.

As the North Slope's federally recognized tribe, we have experienced a severe lack of [progress,] meaningful engagement, including a lack of notice for tribal consultation, something we are still waiting for to this day.

From the Biden administration.

As a federally recognized tribe, we are required to follow federal laws and policies when engaging in the government-to-government relationship, but [the Biden] administration has failed to follow its own policies, executive orders, and department consultation guidelines.

So that is the Tribal secretary. Let me give you a couple of other quotes. This is from the CEO of the Arctic Slope Regional Corporation, President and CEO Rex Rock, Sr., who is a really good friend of mine, like a brother to me.

He says:

On multiple occasions, the elected leadership of the North Slope shared with [the Biden] administration officials our unified opposition to this rule. The [Biden] administration has chosen to ignore the consensus opinion of Indigenous organizations from our region.

Remember, this rule only impacts their region. He continues:

As stewards of the Arctic for millennia, the North Slope Inupiat know our lands better than anyone else. Alongside our region's tribes, local governments, and Alaska Native village corporations, we will continue to fight to have our voices heard.

Well, they certainly weren't heard at all in this case. By the way, in their press release, they give this narrative, just so you know I am not making it up. Here is what they said about consultation. This is in their press release. I hope the New York Times writes this story.

Local Indigenous elected leaders made every effort to highlight the negative repercussions of the Proposed [NPR-A] Rule to the White House and the [Department of the Interior], but they were stonewalled repeatedly by federal officials more concerned with advancing their proposal than listening to the legitimate concerns of Indigenous people [of the North Slope.]

They continue:

Secretary Deb Haaland herself ignored or denied at least eight meeting requests from North Slope Inupiat elected leaders, including an inexcusable decision to deny a meeting during a recent multi-day trip to our home state of Alaska.

Wow. Wow. No kidding. I am like getting sick to my stomach here; I am so mad.

Let me end with one more quote from another great leader, the Olgoonik Corporation president and CEO, Hugh Patkotak, whom I also know well.

He says:

This [NPR-A] rule and the process by which it has been finalized is a setback for [our] Corporation and the future generations [of Alaska Natives] who intend to continue living on [our lands] the lands of [our] ancestors, in our Inupiat community of Wainwright.

There are private landowners neighboring the National Petroleum Reserve of Alaska.

He continues:

Today's final rule was not something we asked for, [was not something we] wanted, or [is something we] support.

This was imposed on them. But Joe Biden says they wanted it.

He continues:

As the neighboring landowner to the NPR-A, we are frustrated this rule could impede responsible infrastructure and economic development opportunities [for our community.] I will reiterate what I've said previously, when a government entity writes rules about the area in which our people live and subside, they must come to us first.

In this case, they never came to them at all—complete ignoring of the Alaska Native voices in my State.

''That didn't happen here,'' he concludes.

So let me conclude. As you can tell, I am frustrated. Senator MURKOWSKI is frustrated. Congresswoman PELTOLA is frustrated. The whole State of Alaska is frustrated.

As I mentioned, this is now 62 Executive orders and Executive actions exclusively focused on Alaska, from the Biden administration, to shut us down. The vast majority of the people I am honored to represent have been opposed to every single one of them, but this one is the ultimate insult, because the President of the United States today used his voice to lie to the American people and say: I am doing this on behalf of the Alaska Native people who live in the North Slope region.

That is a lie. And you just heard directly, and I hope the media writes it. But that is a lie. It is a sad and dispiriting day for me and my constituents, but, in particular, for the Native leaders of Alaska, whose voices were canceled. Secretary Haaland never listened to them.

That was a press conference we all did with the banner: ''Secretary Haaland, hear our voices.''

She didn't. By the way, that is her job—trust and responsibility for the Native people of America. She certainly failed on that today.

But, as I mentioned yesterday more broadly, this administration is fine with sanctioning Alaskans—Alaska Natives, in particular—but, heck, Iran, New Mexico, Venezuela, Russia, it is ''Drill, baby, drill'' in their parts of the world.

Both President Biden and Secretary Haaland didn't do their consultations and now have put out statements insulting these great people by saying that what they did today was to benefit them. It is going to harm them. You just heard their voices.

I am not canceling their voices. I am trying to lift up their voices. We all know what is really going on here, and that is President Biden doesn't care about these people. He is taking direction directly from the far left, the lower 48, ecocolonialists—what we call ecocolonialists—lower-48 radical environmental groups that come up and try to tell the Alaska Native people how to live their lives, and who don't give a damn about the indigenous people of the North Slope of Alaska, and whom the President thinks he needs for his reelection. So he is appeasing them.

He is certainly not listening to my constituents. Like the dictators in Moscow, Tehran, and Beijing, these ecocolonialists are overjoyed by this decision of the Biden administration to have shut down major resource development areas in America, while the Alaska Native people who have lived in the North Slope region for thousands of years are despondent, discouraged, and insulted.

So am I. But we, collectively, will continue to fight this administration and, when we have to, like today, expose the lies that they are telling to the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. PADILLA). The Senator from Rhode Island.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST

Mr. LEE. Mr. President, as I explained on the Senate floor yesterday, the House FISA reauthorization bill, known as RISAA, has a lot of problems—more problems than a math book. Not only are the bill's purported reforms mostly fake—and where they are not fake, they are woefully inadequate—but the bill itself actually expands FISA. It expands FISA surveillance beyond where it has existed in the past.

In fact, RISAA authorizes the largest expansion of surveillance on U.S. domestic soil since the passage of the Patriot Act. Egregious Fourth Amendment violations against U.S. citizens will increase dramatically if this bill is passed into law as it stands now.

Fortunately, there is one thing standing between where that bill stands now and where that bill could be soon if we enact it without amendment, and that is the U.S. Senate.

Under article I, section 7, the same bill has to pass both Houses before it can be presented to the President for signature, veto, or acquiescence. RISAA, as amended by the Turner amendment, would allow the government to compel a huge range of ordinary U.S. businesses and individuals and other organizations, exempting only an odd assortment of entities, including hotels, libraries, and restaurants, to assist the U.S. Government in spying on American citizens.

Currently, the government conducts FISA 702 surveillance with the compelled assistance of what are known as electronic communication service providers, or ECSPs.

Historically, the definition of such an entity, of an ECSP, is including those entities with direct access to Americans' communications. Think, for example, Google or Microsoft, Verizon, et cetera.

This new provision would allow the government to compel warrantless surveillance assistance from any provider of any service that has access to equipment on which communications are routed and then stored.

This would include a huge number of U.S. businesses that provide Wi-Fi to their customers and, therefore, have access to routers and to communications equipment.

Now, apparently, this provision is a result of the intelligence community's ire at being told by the Foreign Intelligence Surveillance Act Court, or the FISC as it is sometimes described, that data centers or cloud computing do not, under existing law, have to comply with FISA-compelled disclosures.

House Intelligence Committee Members claimed that it was a narrow fix, a narrow fix that would allow the government to compel information from a single service provider—just one. Now, yesterday, right here on the Senate floor, my friend and colleague, the distinguished senior Senator from the State of Virginia and the chairman of the Intelligence Oversight Committee in the Senate spoke about this now infamous Turner amendment.

First and foremost, Senator WARNER admitted in that context that even he thinks the amendment could have been better drafted. This is, of course, putting it very mildly and indeed euphemistically. And instead of voting on correcting that language, language that could have drastic implications for the privacy and the Fourth Amendment rights of American citizens and grave implications for all kinds of businesses and other organizations in America, he would rather just pass the faulty, flawed, broad-as-can-be language passed by the House and then rely on promises from the intelligence community Agencies that they will not abuse this new expansion of their authority.

How does that sound to you as an American citizen? To anyone within the sound of my voice, do you really feel good about agreeing to that when you hear from one of our intelligence-gathering bodies, hey, you can trust us? Sure, this language is broad enough; it has got loopholes in it. You could drive a Mack truck, a 747, and an Airbus A380 through the loophole side by side; but, trust us, we won't treat it that way. Is that a good idea? I think not.

In fact, the entire premise of the Constitution—not just the Fourth Amendment but of the Constitution itself—is ''trust but verify.'' It is, we are not angels, we don't have access to angels to run our government, so we rely on rules. We don't rely on placing faith in governments. Faith is reserved for very different beings than those occupying the halls of the U.S. Government, whether they are in the intelligence Agencies or otherwise.

As a Federal lawmaker who has been lied to repeatedly throughout the years by various elements within our government, including some people within the Department of Justice and the FBI on the abuse of the authorities, these very same authorities that we are talking about here, forgive me if I am not just willing to take the word of the intelligence community.

We have a responsibility to our constituents, to voters everywhere, to Americans of every political stripe in every part of this country to protect them by getting this language right, by getting it right before it becomes law, not after when all we could say is, oh, we are sorry. Or, more likely, all that Members who support that could do is try to help them cover it up. That is not right.

Second, my esteemed colleague has either been entirely confused by the protestations of the intelligence community, or he, like the Department of Justice, would like to confuse you as to what this expansion of authority actually means, what it does.

They are suggesting that we are offended by this expansion, merely because it would allow them to target more individuals. That is not the problem, not at all. The problem is, rather, that this amendment is so broadly worded that it could subject any kind of service provider, even one providing services such as cleaning services or plumbing services, to participate in the secret, compelled disclosure process on which section 702 of FISA relies. Now, we are not concerned with new targets resulting from this legislation, as they seem to be suggesting quite mistakenly, but, rather, with the government conscripting any and every kind of service provider into its compelled disclosure scheme.

If DOJ wants to override the decisions of the FISC through an amendment, it must be done through an amendment tailored to precisely that task. Unfortunately, the Turner amendment is about as well-tailored as a muumuu or, better said, a tent—meaning there is no tailoring at all. They just threw it all in there. Like Prego spaghetti sauce, this thing is said to contain whatever they want it to contain.

Again, Senator WARNER yesterday acknowledged that this language was poorly crafted, but instead of taking this as an opportunity to amend it, to fix it so that it did what it was actually purported to be intended to do and to go no further than that and to incur no additional grave risk of further meddling, of creating problematic situations for law-abiding Americans everywhere, they suggest that this will be a problem for 2 years and then we can fix it or that it won't be a problem for the next 2 years because we can have faith and trust that they won't abuse it and then we can fix it for real. In fact, he is willing to work with anyone who thinks it is a problem to fix it anytime—just not now. He doesn't want to fix it now.

If the job is worth doing, it is worth doing it right now, the first time, not just so that we don't have to go back and correct it later but so that it doesn't create problems between now and 2 years from now when he proposes we address it for real. It is worth doing right today because the stakes are high. There is no reason not to fix this now and a lot of reasons why it will be problematic if we don't.

Now, let's talk about the statutory deadline for FISA collection for a minute. The administration acknowledges that under the law, it can and will continue to conduct FISA 702 surveillance collection even if 702 temporarily lapses while we debate this. That is because the FISA Court has approved a certification within the last week or so that allows the government to continue 702 collection until April 2025.

There is a provision of FISA that you might say sort of grandfathers in FISA

Court certifications even if the law itself expires, meaning the FISA 702 collection program can continue in its entirety, without exception, until April 10 or 11, 2025, even if FISA 702 temporarily lapses between now and then, because all that matters was that FISA 702 was active, intact, not having lapsed as of the moment on April 11, just over a week ago, when the latest certification was issued by the FISC.

Notably, the administration does not deny this. What it is saying instead is that companies will bring legal challenges and that they might refuse to comply with the government's directives to turn over communications.

What I would like to know is, what is their evidence for this? The fact that a few companies briefly refused—briefly—to cooperate with the government back in 2008 when the predecessor to section 702, the Protect America Act, expired?

Now, here is the problem with that argument: Those companies back in 2008 challenged this, and they lost in court. The FISA Court ruled in 2008 that surveillance could continue despite expiration of the law and that the companies had to comply.

So this legal issue was itself settled on those terms 16 years ago—not only that, but much more to the point here, Congress has actually made the law stronger, even clearer, even more direct since then, stronger on the government's side since then. The FISA Amendments Act includes language that wasn't in the Protect America Act saying that the FISA Court's approval remains valid notwithstanding any other provision of the law, including the sunset.

You see, that language was added for the first time in December of 2018 in the same legislation that FISA 702 was reauthorized until December of 2023. When we extended the effective date of FISA 702 back in December of 2023, extending it until tonight at midnight, that language was reupped. It was enacted again. So that same language is intact. There is absolutely no ambiguity here.

So it is absurd what they are saying, really. I mean, why would companies risk fines of $250,000 a day to make a legal argument that the FISA Court rejected 16 years ago? This is simply not a valid reason for us in the U.S. Senate to rush to enact laws as deeply flawed and as detrimental to American civil liberties as this one.

All I am asking for is votes on amendments. We have a reasonable list of nine amendments offered by a bipartisan group of Senators reflecting almost every point along the ideological continuum of the Senate. If Chairman WARNER and Senator SCHUMER would just stop blocking these votes, we could finish consideration of FISA today; we could wrap this up today. The problem is, they know the American people agree with us on these amendments. A lot of these are really, really popular. They agree with reforming this program to stop the warrantless surveillance of themselves, of the American of people.

So certain Members of the U.S. Senate are somehow afraid that these votes must not be considered, lest they pass, because they are really afraid of what would happen if—when they did pass. Think about that for a minute. They don't want us to cast votes on something not in spite of its lack of popularity but because of its popularity. That should concern us all.

To that end, I am going to try to move these things forward. Let's see if we can resolve this. I would love to be able to resolve this tonight, get it done tonight, get it over to the House of Representatives, which is still here, still in town. It is really convenient because, as they set this up a couple of centuries ago, we both work in the same building. They are just down the hall. I will personally walk it down there to them if that would help.

So I ask unanimous consent, Mr. President, that the motion to proceed—I will hold on to that for a moment, and I will continue.

Mr. President, I ask unanimous consent to extend my remarks for an additional up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. So if that really is the concern—that is the concern I am hearing from some colleagues. A number of colleagues on both sides of the political aisle have been telling me—I have been talking about the need to vote on amendments. What a number of them are saying is: We can't do this because if we do it, it is going to expire, and if it expires even momentarily, it is going to be Armageddon; dogs and cats living together in the streets; stuff right out of the Book of Revelations; absolute chaos and pandemonium.

So if that is the case, let's get it done now, but it is not the case. FISA 702 collection is not going to end. And these same companies that objected in 2008 and lost when the law was much less in the government's favor than it is now will remember what happened, and all they have to do is read. It doesn't take a rocket scientist to read the language passed in 2018 and again in December of 2023 to make clear that that collection may and indeed will continue.

So in the spirit of moving this forward and getting it done tonight, I ask unanimous consent that the motion to proceed to H.R. 7888 be agreed to.

I ask further that the following amendments be the only amendments in order: Lee No. 1840, Paul No. 1829, Marshall No. 1834, Wyden No. 1820, Hirono No. 1831, Merkley No. 1822, Paul No. 1828, Durbin amendment No. 1832, and Paul amendment No. 1833; further, that the Senate vote on the above amendments in the order listed, with the Paul amendments Nos. 1828 and 1829 and Merkley amendment No. 1822 subject to 60 affirmative votes required for adoption; that upon disposition of the Paul amendment No. 1833, the bill be read a third time and the Senate vote on passage of H.R. 7888, as amended, if amended, with 60 affirmative votes required for passage and with 2 minutes for debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia?

Mr. WARNER. Mr. President, reserving the right to object, I appreciate my friend the gentleman from Utah's strong feelings on this bill. He has been consistent repeatedly.

I disagree. I believe 702 is one of the critical aspects of our national security regime. Literally 60 percent of the information that appears in the President's Daily Brief is obtained from section 702.

Again, I disagree with the gentleman as well in terms of the fact that we have seen—prior to 2008, when the preceding bill expired for a brief period of time, there are entities that said: We no longer have to participate with the government.

I think that is a risk we cannot afford to take with the vast array of challenges our Nation faces around the world.

I would also point out—and I know that for some of my colleagues, it has not been enough—the Senate FISA bill—the House FISA bill has 56 separate reforms in it. As a matter of fact, through processes that are already at least partially in process, we have seen the FBI's noncompliance rate on their own queries of 702 drop from about 30 percent noncompliant to less than 1 percent.

We have reforms that make sure there are no further batch queries; that there is not the kind of effort where people could simply have the right to query the 702 database without showing a reason; making sure as well, as critics have pointed out, that should an American who is an elected official, a religious figure, a journalist—a whole extra set of reforms there as well.

I believe we need to proceed on this. I know both sides are negotiating in good faith. I think those negotiations need to continue, and therefore I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the thoughtful words that have been presented by my friend and colleague, the distinguished Senator from Virginia, who also chairs the Senate's intelligence oversight committee. It is unfortunate that he is unwilling to have these amendments even considered—especially unfortunate because it appears to be predicated on the risk of FISA 702 lapsing. Unless we do something on this in the meantime, it is going to lapse at least for a period of time.

As I made clear a moment ago, the language we adopted in 2018 and that we reupped in December of last year,

2023, makes abundantly clear that FISA 702 collection can continue unabated through April of 2025 based on the recertification by the Foreign Intelligence Surveillance Act Court I believe on April 11. That is allowed to continue for 1 year following the certification as long as FISA 702 was still intact and not expired as of the moment of the certification, which it was.

But even if that were not the case, if what we are worried about here is the clock, look, I have drafted—and I can't speak for anyone other than myself, but I have drafted and would gladly accept, if that really is the concern, a short-term extension of FISA 702 if by doing so that would make the difference between us being able to consider these amendments, vote on them, and send it back to the House of Representatives without doing so under the threat of this amorphous and unsubstantiated fear that FISA 702 collection is going to go dark, which, of course, it is not.

But, look, once again we do find ourselves at the mercy of Senate Democratic leadership, with the majority leader in particular acting as the doorkeeper of the Senate, only allowing access to the floor to Senators who wish to offer their amendments and only if those amendments are amendments that the majority leader knows he can defeat. He is so determined to block amendments that he is willing to obstruct the quick passage of this bill.

Now, I just offered to speed up the consideration of the FISA reauthorization bill passed by the House—RISAA, as it is known—that many of its advocates desperately want to see passed before midnight today in exchange for votes on nine amendments—just votes, not guaranteed outcomes but just votes commensurate with, consistent with, what the rules of the Senate already allow, with nongermane amendments set at 60 and germane amendments set at a simple majority threshold. That is really not too much to ask, but Senator SCHUMER and the chairman of the Senate Select Committee on Intelligence wouldn't take the deal.

Why? Well, part of it is the time issue that I mentioned that an entity no less rightwing than the New York Times just earlier this week pointed out that argument really doesn't hold water, and if it does, I am happy to agree to a time agreement to extend it. The only other reason I can think of is there is a fear on the part of those who want RISAA to pass in exactly the form that the House of Representatives enacted it. They are afraid that some of these amendments might actually pass.

Now, six of these amendments are germane to the bill. So, yes, they could pass with a simple majority vote. And that is exactly why some in this Chamber won't allow these amendments to be voted on. They don't want reforms to the bill. They would rather let the bill expire instead of letting the Senate do its work and amend the bill in a manner consistent with the expressed desires and, indeed, the demand from many quarters among the electorate—left and right, east and west, north and south. That is a sad commentary on where we stand in the democratic process today.

Now, some might say that we can't pass these amendments because that would send it back to the House and then the House would have to repass it. But isn't that how the lawmaking process is supposed to work?

I mean, that is exactly how article 1, section 7, contemplates it. It is never meant to be super easy to pass legislation for a bicameral legislature, and that is, in fact, what we have.

Aren't we supposed to vote on amendments, not just for a show or a head pat but to improve the bill to see whether or not the House will take the modifications, rather than just assuming, as if we were adopting some sort of House legislative Chamber doctrine of infallibility, that what they wrote must be treated as if it were carved into stone and that we can't touch it. That is nonsense. That is not how this works. It is never how it was intended to work. It certainly should not be how it works in this circumstance—and not with a bill like this, where Americans at every point along the ideological continuum have concerns about this.

Now, there are a number of us in this Chamber who feel this way. I have some very good friends on the other side of the aisle with whom I frequently disagree on a wide variety of issues but with whom I agree closely on this issue. We are reflective of our constituencies and of the American people, generally.

And the House is actually in session this weekend. They are in the same building, still in session. So it is standing by ready to actually take up our amended bill whenever we can get it passed, but Senator SCHUMER and Senator WARNER are preventing us from performing one of our most basic duties. We have got one or two Members who are acting as doorkeepers to the Senate.

Meanwhile, the other 98 Members or so are being prevented from even having our improvements to the bill considered. And many of these, if not most of them, are pretty widely bipartisan.

So this sort of thing, when it happens, renders us something of a legislative rubberstamp. It is not something that we aspire to.

So, look, like I say, it is unfortunate that we couldn't come to an agreement on this. So I just ask the question: If the clock is really the enemy here, why not just extend it?

I stand ready and willing, speaking for myself, to extend the clock, whether it is for a few days or a week or—so that we can have time to consider it. I am willing to do that. If we won't do that, then maybe we are not really hearing the real reason for the opposition.

(Mr. BENNET assumed the Chair.)

(Ms. BUTLER assumed the Chair.)

(Mr. WELCH assumed the Chair.)

(Ms. BUTLER assumed the Chair.)

Mr. HICKENLOOPER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELCH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Without objection, it is so ordered.

VOTE ON MOTION

The question is on agreeing to the motion to proceed.

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 62, nays 30, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—62

Bennet	Gillibrand	Ricketts
Blumenthal	Graham	Risch
Booker	Grassley	Romney
Boozman	Hassan	Rosen
Britt	Heinrich	Rounds
Budd	Hickenlooper	Rubio
Butler	Hyde-Smith	Schatz
Cardin	Kaine	Schumer
Carper	Kelly	Shaheen
Casey	King	Sinema
Cassidy	Klobuchar	Smith
Collins	Lankford	Stabenow
Coons	Luján	Sullivan
Cornyn	McConnell	Thune
Cotton	Moran	Tillis
Crapo	Mullin	Warner
Duckworth	Murkowski	Welch
Durbin	Murphy	Whitehouse
Ernst	Ossoff	Wicker
Fetterman	Peters	Young
Fischer	Reed	

NAYS—30

Baldwin	Hoeven	Padilla
Barrasso	Johnson	Paul
Braun	Kennedy	Sanders
Brown	Lee	Scott (FL)
Cantwell	Lummis	Scott (SC)
Cramer	Markey	Tester
Cruz	Marshall	Tuberville
Daines	Menendez	Van Hollen
Hawley	Merkley	Warren
Hirono	Murray	Wyden

NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The motion was agreed to.

REFORMING INTELLIGENCE AND SECURING AMERICA ACT

The PRESIDING OFFICER (Mr. KING). The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 7888) to reform the Foreign Intelligence Surveillance Act of 1978.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the only amendments in order to H.R. 7888 be the following: Paul No. 1829; Marshall No. 1834; Wyden No. 1820; Paul No. 1828; Durbin No. 1841, as modified; Lee No. 1840; further, that upon disposition of the amendments, the bill, as amended, if amended, be considered read a third time and the Senate vote on passage, with 60 affirmative votes required for adoption of the Paul amendments and on passage, as amended, if amended, with 2 minutes for debate, equally divided, prior to each vote, with Senator PAUL permitted to speak for up to 10 minutes prior to the vote on amendment No. 1829, all without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we have good news for America's national security. Senators have reached an agreement that clears the way to approve the FISA reauthorization tonight.

For the information of my colleagues, we will have up to seven rollcall votes. First, we will vote on the six amendments and then final passage.

All day long, we persisted and persisted and persisted in the hopes of reaching a breakthrough, and I am glad we got it done. There was a great deal of doubt that we could get this done, but now we are on a glidepath to passing this bill.

Allowing FISA to expire would have been dangerous. It is an important part of our national security toolkit, and it helps law enforcement stop terrorist attacks, drug trafficking, and violent extremism. This legislation has been carefully tailored, and I am ready to work with colleagues on both sides of the aisle to keep strengthening protections for American citizens.

I thank all of my colleagues on both sides of the aisle for their good work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1829

Mr. PAUL. Mr. President, the title of this amendment is the ''Fourth Amendment Is Not For Sale.''

The Fourth Amendment is no mere limitation of government power. The Fourth Amendment is fundamental to the concept of American liberty. The Fourth Amendment was a response to the British writs of assistance, which served as general warrants and permitted almost limitless searches of homes and ships of colonies. In 1761, an attorney named James Otis forcefully attacked the writs of assistance, and John Adams described that he was so inspired by Otis and the arguments that, then and there, the ''child of Independence'' was born.

The Fourth Amendment prohibits these kinds of general warrants. For a search to be reasonable, the Fourth Amendment dictates that the government must identify the individual, the items, and the location to be searched, but, today, all it takes to eviscerate the Fourth Amendment is some cash. The Electronic Communications Privacy Act already requires the government to seek a court order before compelling service providers to disclose contents and records, but this law does not restrict providers from voluntarily selling that information to nongovernmental third parties.

Due to this loophole in the law, American Government has effectively resurrected the idea of general warrants that the Founding Fathers were so appalled by. Thankfully, the House of Representatives voted to close that loophole. The House voted overwhelmingly this week for the Fourth Amendment Is Not For Sale Act.

I am so glad that the Fourth Amendment Is Not for Sale Act is popular; that Senator SCHUMER has been a cosponsor of this. I hope he will vote with us tonight.

But if he chooses not to vote with us tonight, the bill has passed the House. All he would need to do is bring it up in the next few weeks, and we could actually put it on the books.

Leaders of both parties from across the political spectrum have come together to say you shouldn't be able to buy your way around the Fourth Amendment. The Senate must not prove itself to be less concerned about the Fourth Amendment. I hope that we will take this up.

The data you transmit can reveal much about your life, such as where you work, where you drop off your child for daycare, whether you visit a gun range, who you associate with, your health data. Some of these applications sell that data to third-party brokers who then sell it to the government.

It may be concerning that some of your information is traded away, but we should insist that the Fourth Amendment should be respected so that individuals are not tracked and investigated without a warrant.

When law enforcement suspects you of a crime, the supreme law of the land is clear: Officers must demonstrate to a neutral judge in an open court that probable cause of a crime exists. In fact, if you want to find the people in our country who respect the Fourth Amendment, meet with any local police officer, any local sheriff. They know they don't come into your house. What has happened is the politicized aspects of our intel Agencies don't have the same respect for the Fourth Amendment that local law enforcement does.

According to Professor Matthew Tokson, a professor at the University of Utah, after the Supreme Court prohibited warrantless collection of cell phone location data in Carpenter v. United States, the government Agencies just began buying that information anyway. They were told not to by the Supreme Court. So they just went and purchased it and eviscerated a Supreme Court decision. This is something we should not tolerate.

A recent report by the inspector general of the Department of Homeland Security demonstrated that several DHS Agencies, including the Secret Service, bought Americans' phone location data without a court order. The IRS purchases location data without a court order. The FBI purchases your location data without an order—to just name a few. The NSA, the Defense Intelligence Agency—all have bought Americans' location data without a court order.

The embrace of this tactic proves that the feds will zealously exploit any loophole and test the limits of their authorities, to the detriment of our constitutionally protected liberties.

It is time to end the use of cash to purchase general warrants that the Fourth Amendment should have abolished over two centuries ago. Let's ensure that the Fourth Amendment is truly not for sale.

I ask for a ''yes'' vote.

Mr. President, I call up my amendment No. 1829 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 1829.

(The amendment is printed in the RECORD of April 18, 2024, under ''Text of Amendments.'')

The PRESIDING OFFICER. There will now be 2 minutes to debate equally divided on the Paul amendment No. 1829.

Ms. WARREN. Mr. President, I rise in opposition to the amendment. Before I get to the substance, let me remind my colleague, I think, of something we have discussed a lot.

Any amendment added to this bill at the moment is the equivalent of killing the bill. Many have said: If we go past midnight tonight, it doesn't really matter.

Already, telecom companies—a number—have contacted the Department of Justice saying: If this bill expires—as it will at midnight—they will stop complying with 702, one of the most critical components of our intelligence backbone.

The specifics of this amendment are opposed by every law enforcement agency in America. It also is opposed by a number of Jewish community groups, including B'nai B'rith and the Anti-defamation League.

I would agree with the Senator from Kentucky: We ought to have a debate about data brokers. But 702 is not the place to have it. As a matter of fact, the House decided not to include this in their discussion of 702.

If we pass this amendment, the only people who are going to be taken out from purchasing data will be law enforcement—not foreign companies, not foreign governments, or others.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kentucky.

Mr. PAUL. The idea that we don't have time is a specious one. The only reason we wouldn't have time is because the supporters of this bill delayed to the last hour. We have 5 years to renew this. We delayed it until we have 4 hours left, and then we are told we can't amend it because we don't have enough time. That is a false argument.

The House is still here. They are going to be voting tomorrow. We should pass the good amendments today, send them to the House tomorrow. This is an argument that has been forced upon us by the supporters of FISA who want no debate, and they want no restrictions. They want no warrants, and they want nothing to protect the Americans. They want to allow whatever goes, whatever happens to happen, and to hell with the American individual citizen and the Bill of Rights.

I say: Don't listen to the people who don't want amendments and don't want debate, and let's pass this amendment.

VOTE ON AMENDMENT NO. 1829

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PAUL. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 31, nays 61, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—31

Baldwin	Daines	Kennedy
Braun	Durbin	Lee
Cantwell	Hawley	Lummis
Coons	Hirono	Markey
Cramer	Hoeven	Marshall
Cruz	Johnson	Menendez
Merkley	Sanders	Warren
Murkowski	Sullivan	Welch
Murphy	Tester	Wyden
Murray	Tuberville	
Paul	Van Hollen	

NAYS—61

Barrasso	Gillibrand	Risch
Bennet	Graham	Romney
Blumenthal	Grassley	Rosen
Booker	Hassan	Rounds
Boozman	Heinrich	Rubio
Britt	Hickenlooper	Schatz
Brown	Hyde-Smith	Schumer
Budd	Kaine	Scott (FL)
Butler	Kelly	Scott (SC)
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Lankford	Smith
Cassidy	Luján	Stabenow
Collins	McConnell	Thune
Cornyn	Moran	Tillis
Cotton	Mullin	Warner
Crapo	Ossoff	Whitehouse
Duckworth	Padilla	Wicker
Ernst	Peters	Young
Fetterman	Reed	
Fischer	Ricketts	

NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The PRESIDING OFFICER. On this vote, the yeas are 31, the nays are 61.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 1829) was rejected.

The PRESIDING OFFICER. The majority leader.

SENATOR COLLINS 9,000TH VOTE

Mr. SCHUMER. Mr. President, now, before we move on, I would like to acknowledge a rare milestone that is just about to be achieved on this coming vote in the Senate. Our dear colleague from Maine, Senator SUSAN COLLINS, will cast her nine-thousandth consecutive rollcall vote.

(Applause, Senators rising.)

She has never—never—missed a single rollcall vote in her entire career. Who else can claim that? Raise your hand. Even the freshmen can't claim that.

I congratulate Senator COLLINS on this historic accomplishment. It puts her in rare company in the history of the Chamber.

Senator COLLINS and I, of course, belong to different parties, but she has the enormous respect of those of us on this side of the aisle as well as her own colleagues. And I have been grateful for the chance to work with her in recent years on many issues. So we all have applauded her great work.

I yield the floor to my colleague and friend, Senator MCCONNELL.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would like to thank the majority leader for his acknowledgement of this historic moment.

The senior Senator from Maine, our good friend, is about to cast, as we all know, her nine-thousandth consecutive rollcall vote.

Quite literally, as the occupant of the Chair knows, Senator COLLINS has never failed to discharge the most fundamental duty of her office.

According to the Historical Office, only one Senator in history has managed a longer streak of consecutive votes—and let's just say, Senator COLLINS is closing in on that record as well.

I hope our colleague is as proud of this accomplishment as we are of her. One thing is for certain: She didn't reach the milestone by accident. Senator COLLINS arrived as a freshman already well aware of the obligations of public service. After all, she was raised by not one but two smalltown mayors.

And as our colleagues know, one of those distinguished mayors—her mother, Patricia—passed away earlier this year, right as the government funding she had stewarded was nearing the finish line.

It was a situation that made the tension we have all felt at times between the demands of the Senate and of family. But as always, the example of the senior Senator from Maine was instructive: poised under pressure, prepared for any outcome, and as determined as ever to do right by the people she represents.

Day after day, year after year, our senior-most appropriator has demonstrated through her dedication that if you do your homework and show up to vote, most everything else will fall in line.

So I would like to add my congratulations to my good friend Senator COLLINS on this tremendous milestone. The people of Maine are lucky to have her.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Republican whip.

Mr. THUNE. Mr. President, if I might, again, 9,000 is remarkable—the ''iron'' Senator. And she was asked by the Washington Post 12 years ago why she had never missed a vote, why she made a decision to make every vote. And this is what she said:

> I think it's important at this time, when public confidence in Congress is very low, to demonstrate to my constituents that I really care about doing a good job for them.

For 27 straight years and 9,000 straight votes, she has delivered every single day for the people of Maine, for the people of this country. And I am grateful to have the privilege and opportunity to serve with her, as I think every single one of us is—not only those who are here today but those who have come before. It is a remarkable achievement.

Senator COLLINS, thank you. Thank you for your record. Thank you for your example.

(Applause.)

The PRESIDING OFFICER. And the Chair conveys his heartfelt congratulations and pride to his colleague.

Thank you, SUSAN, for all you have done.

AMENDMENT NO. 1834

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Mr. President, I call up my amendment No. 1834 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kansas [Mr. MARSHALL] proposes an amendment numbered 1834.

The amendment is as follows:

(Purpose: To strike the prohibition on political appointees being involved in the approval of queries by the Federal Bureau of Investigation)

On page 3, strike line 16 and all that follows through page 4, line 12, and insert the following:

(b) REQUIREMENT FOR SENIOR LEADERSHIP TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—Subparagraph (D) of section 702(f)(3), as added by subsection (d) of this section, is amended by inserting after clause (v) the following:

''(vi) REQUIREMENT FOR SENIOR LEADERSHIP TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—The procedures shall require that the Director of the Federal Bureau of Investigation or the Attorney General be included in the Federal Bureau of Investigation's prior approval process under clause (ii).''.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on the Marshall amendment No. 1834.

The Senator from Kansas.

Mr. MARSHALL. Mr. President, during the last administration, we saw career, unelected bureaucrats, many of whom were FBI agents, actively work against our Commander in Chief.

Now, in this bill, we are giving unilateral control over section 702 to those same career staff who have a record of abusing their power. As written, section 2(b) of the bill would prohibit political appointees from being within the process of approving section 702 queries. This means there is no accountability for these agents by the FBI Director or Attorney General.

Regardless of who is President, they and their politically appointed FBI Director and Attorney General should have full control of the Agencies and Departments they are leading.

We must make FBI and DOJ leadership accountable for eventual section 702 abuses. We should require the Attorney General and FBI Director to sign off on 702 investigations.

As this is such a momentous vote, it would be great that it also passed. So, with that, I urge your ''yes'' vote.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, actually, what the bill does is it requires, especially in cases of politically sensitive queries, that it be approved by a supervisor to take it out of the hands of the career individuals who in the past have or potentially have abused this authority.

Now, there are two ways to skin this cat. The challenge of the political appointees is twofold. The first is it is a political appointee. There is a person who owes their job to the party in power in the White House.

And so the thinking was that if you put someone like that in charge, it actually might lend itself to this being abused for political use.

The second is, it is actually harder to hold political appointees accountable. As we saw this week, the only way to get rid of, for example, the Attorney General would be to impeach them.

In this particular case, if it is a supervisor, that supervisor could be fired. Everyone in these Departments is ultimately accountable to the Attorney General and/or the FBI Director.

And I would add one more point. Another reform that is in this bill that is important to point to is that the compensation of the FBI Director will now be directly tied to how the Department performs every single year on the audit of compliance with 702.

So I urge this amendment be defeated.

VOTE ON AMENDMENT NO. 1834

The PRESIDING OFFICER. The question is on the amendment.

Mr. MARSHALL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 17, nays 75, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—17

Braun	Kennedy	Paul
Daines	Lee	Scott (FL)
Grassley	Lummis	Scott (SC)
Hawley	Marshall	Sullivan
Hyde-Smith	Mullin	Tuberville
Johnson	Murkowski	

NAYS—75

Baldwin	Fetterman	Reed
Barrasso	Fischer	Ricketts
Bennet	Gillibrand	Risch
Blumenthal	Graham	Romney
Booker	Hassan	Rosen
Boozman	Heinrich	Rounds
Britt	Hickenlooper	Rubio
Brown	Hirono	Sanders
Budd	Hoeven	Schatz
Butler	Kaine	Schumer
Cantwell	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lankford	Stabenow
Cassidy	Luján	Tester
Collins	Markey	Thune
Coons	McConnell	Tillis
Cornyn	Menendez	Van Hollen
Cotton	Merkley	Warner
Cramer	Moran	Warren
Crapo	Murphy	Welch
Cruz	Murray	Whitehouse
Duckworth	Ossoff	Wicker
Durbin	Padilla	Wyden
Ernst	Peters	Young

NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The amendment (No. 1834) was rejected.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1820

Mr. WYDEN. I call up my amendment No. 1820 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Ms. LUMMIS, proposes an amendment numbered 1820.

The amendment is as follows:

(Purpose: To strike section 25, relating to definition of electronic communication service provider)

Beginning on page 87, strike line 14 and all that follows through page 90, line 4.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided on the Wyden amendment No. 1820.

The Senator from Oregon.

Mr. WYDEN. Mr. President, this bipartisan amendment strikes a dangerous provision that was slipped in at the last moment in the House of Representatives and has never been considered or examined here in the Senate. The provision dramatically expands warrantless surveillance by authorizing the government, for countless typical Americans and American companies, to secretly assist in their surveillance. If there is one thing we know, expansive surveillance authorities will always be used and abused.

Let's do the right thing and vote aye to strike the horribly drafted, sweeping new surveillance authorities that we will surely regret.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I oppose this amendment. When 702 was drafted in 2008, the telecom world was very different than it is today. Things like cloud and data centers didn't exist.

I disagree with my colleague's definition of the amendment. I have a letter here from the Attorney General that says that under this new definition, section 702 could never be used to target any entity inside the United States, including, for example, business, home, or place of worship. I will work with colleagues to further refine this definition within the IAA bill that we take up this year.

I yield the balance of my time to Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Briefly, this is actually pretty narrowly tailored even though it is written in the way it is. It is tough to talk about in this setting. The information is available to all the Members and has been now for 5 or 6 days.

It is actually narrowly tailored to a very specific problem that was identified by the court. Basically the FISA

Court of Review said that if there is an unintended gap in coverage revealed by their interpretation, you have to go to Congress to fix it. That is what this tries to do. It is important.

As I said, that information has been available to Members in the appropriate setting for the last few days.

I hope we can defeat this amendment. It is actually a 21st-century solution to a unique problem in an era in which telecommunications is rapidly evolving, and so are our adversaries.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, this matter that came from the House of Representatives has not been narrowly drafted. It is not technical. The reason you know that is they keep coming up with exceptions. The rule is so broad, and then they keep adding all these exceptions. This is a deeply flawed proposal that comes from the House.

I urge my colleagues to vote yea on this.

VOTE ON AMENDMENT NO. 1820

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WYDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 34, nays 58, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—34

Baldwin	Hoeven	Paul
Barrasso	Johnson	Sanders
Booker	Kennedy	Scott (FL)
Braun	Lee	Scott (SC)
Brown	Lummis	Tester
Cantwell	Markey	Tuberville
Coons	Marshall	Van Hollen
Cramer	Menendez	Warren
Daines	Merkley	Welch
Durbin	Murphy	Wyden
Hawley	Murray	
Hirono	Padilla	

NAYS—58

Bennet	Cotton	Hickenlooper
Blumenthal	Crapo	Hyde-Smith
Boozman	Cruz	Kaine
Britt	Duckworth	Kelly
Budd	Ernst	King
Butler	Fetterman	Klobuchar
Cardin	Fischer	Lankford
Carper	Gillibrand	Luján
Casey	Graham	McConnell
Cassidy	Grassley	Moran
Collins	Hassan	Mullin
Cornyn	Heinrich	Murkowski
Ossoff	Rubio	Thune
Peters	Schatz	Tillis
Reed	Schumer	Warner
Ricketts	Shaheen	Whitehouse
Risch	Sinema	Wicker
Romney	Smith	Young
Rosen	Stabenow	
Rounds	Sullivan	

NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The amendment (No. 1820) was rejected.

The PRESIDING OFFICER. There will be 2 minutes equally divided for debate on the Paul amendment No. 1828.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1828

Mr. PAUL. I call up my amendment No. 1828.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 1828.

The amendment is as follows:

(Purpose: To prohibit the use of authorities under the Foreign Intelligence Surveillance Act of 1978 to surveil United States persons, to prohibit queries under such Act using search terms associated with United States persons, and to prohibit the use of information acquired under such Act in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.)

At the end, add the following:

SEC. 26. LIMITATION ON AUTHORITIES IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

"TITLE IX—LIMITATIONS

"SEC. 901. LIMITATIONS ON AUTHORITIES TO SURVEIL UNITED STATES PERSONS, ON CONDUCTING QUERIES, AND ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.

"(a) DEFINITIONS.—In this section:

"(1) PEN REGISTER AND TRAP AND TRACE DEVICE.—The terms 'pen register' and 'trap and trace device' have the meanings given such terms in section 3127 of title 18, United States Code.

"(2) UNITED STATES PERSON.—The term 'United States person' has the meaning given such term in section 101.

"(3) DERIVED.—Information or evidence is 'derived' from an acquisition when the Government would not have originally possessed the information or evidence but for that acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means.

"(b) LIMITATION ON AUTHORITIES.—Notwithstanding any other provision of this Act, an officer of the United States may not under this Act request an order for, and the Foreign Intelligence Surveillance Court may not under this Act order—

"(1) electronic surveillance of a United States person;

"(2) a physical search of a premises, information, material, or property used exclusively by, or under the open and exclusive control of, a United States person;

"(3) approval of the installation and use of a pen register or trap and trace device to obtain information concerning a United States person;

"(4) the production of tangible things (including books, records, papers, documents, and other items) concerning a United States person; or

"(5) the targeting of a United States person for the acquisition of information.

"(c) LIMITATION ON QUERIES OF INFORMATION COLLECTED UNDER SECTION 702.—Notwithstanding any other provision of this Act, an officer of the United States may not conduct a query of information collected pursuant to an authorization under section 702(a) using search terms associated with a United States person.

"(d) LIMITATION ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.—

"(1) DEFINITION OF AGGRIEVED PERSON.—In this subsection, the term 'aggrieved person' means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

"(2) IN GENERAL.—Except as provided in paragraph (3), any information concerning a United States person acquired or derived from an acquisition under this Act shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

"(3) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under this Act in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.".

(2) CLERICAL AMENDMENT.—The table of contents preceding section 101 of such Act is amended by adding at the end the following:

"TITLE IX—LIMITATIONS

"Sec. 901. Limitations on authorities to surveil United States persons, on conducting queries, and on use of information concerning United States persons.".

(b) LIMITATIONS RELATING TO EXECUTIVE ORDER 12333.—

(1) DEFINITIONS.—In this subsection:

(A) AGGRIEVED PERSON.—The term "aggrieved person" means—

(i) a person who is the target of any surveillance activity under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order; or

(ii) any other person whose communications or activities were subject to any surveillance activity under such Executive order, or successor order.

(B) PEN REGISTER; TRAP AND TRACE DEVICE; UNITED STATES PERSON.—The terms "pen register", "trap and trace device", and "United States person" have the meanings given such terms in section 901 of the Foreign Intelligence Surveillance Act of 1978, as added by subsection (a).

(2) LIMITATION ON ACQUISITION.—Where authority is provided by statute or by the Federal Rules of Criminal Procedure to perform physical searches or to acquire, directly or through third parties, communications content, non-contents information, or business records, those authorizations shall provide the exclusive means by which such searches or acquisition shall take place if the target of the acquisition is a United States person.

(3) LIMITATION ON USE IN LEGAL PROCEEDINGS.—Except as provided in paragraph

(5), any information concerning a United States person acquired or derived from an acquisition under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order, shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

(4) LIMITATION ON UNITED STATES PERSON QUERIES.—Notwithstanding any other provision of law, no governmental entity or officer of the United States shall query communications content, non-contents information, or business records of a United States person under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), or successor order.

(5) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under Executive Order 12333, or successor order, in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to abrogate jurisprudence of the Supreme Court of the United States relating to the exceptions to the warrant requirement of the Fourth Amendment to the Constitution of the United States, including the exigent circumstances exception.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, Benjamin Franklin warned us that those who would trade liberty for security might wind up with neither, but somewhere along the way, we lost our courage. It takes courage to defend the Constitution. It takes courage to defend the Fourth Amendment. It takes courage to understand that, even when people are guilty of crimes, we let them have lawyers. We have open courts. We have an adversarial process.

People think: Well, gosh, a murderer gets a lawyer.

Yes, everybody in our system gets a lawyer, at least under the system of the Fourth Amendment. But as we became fearful of terrorists, we said: Well, we can't exist under the Constitution. We have to lower the standard of the Fourth Amendment.

So in 1978, we set up FISA, and it went after foreigners under a different standard. It was probable cause, not of a crime but probable cause that you are associated with a foreign government.

And for even myself, I am fine with that for foreigners. But for Americans, we still have the Constitution. So my amendment would simply say this: You can investigate all the foreigners you want under 702, under FISA, whatever you wish for foreigners, but for Americans you go to an article III court. They work.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PAUL. We have prosecuted over 300 terrorists in article III courts, and we could do it.

My amendment says that FISA would only be utilized on foreigners, not Americans.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in opposition to this amendment. This amendment would have the effect of basically destroying section 702.

Unfortunately, over the last 20 years—Anwar al-Awlaki, Robert Hanssen, Faisal Shahzad—there have been a number of American citizens who created terrorists acts that 702 has been used for.

As a matter of fact, many times, when you start the investigation, you don't know if the individual is an American or a foreigner. I respectfully ask us to defeat the amendment and give the balance of my time to Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Anwar al-Awlaki was an American-born cleric who became a leader of al-Qaida. Syed Farook was born in America, and he murdered 14 people in a terrorist attack in San Bernardino. The brothers that committed the Boston marathon—one was naturalized, and the other was a lawful permanent resident. I could go on and on.

If we had suspected them of terrorism, we would not have been able to—and none of these were prevented. But if these cases emerged today and you suspected them of terrorism, under this amendment, you would not have been able to surveil them to prevent the terrorist attack. Afterward, you could have gone after them, but now it is too late to prevent the terrorist attack. That is what this amendment would—that is the harm that this amendment, if passed, would create, and I urge you to vote against it.

The PRESIDING OFFICER. All time is expired.

VOTE ON AMENDMENT NO. 1828

The question is on agreeing to the amendment No. 1828.

Mr. PAUL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 11, nays 81, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—11

Braun	Kennedy	Paul
Daines	Lee	Scott (FL)
Hawley	Lummis	Tuberville
Johnson	Marshall	

NAYS—81

Baldwin	Gillibrand	Reed
Barrasso	Graham	Ricketts
Bennet	Grassley	Risch
Blumenthal	Hassan	Romney
Booker	Heinrich	Rosen
Boozman	Hickenlooper	Rounds
Britt	Hirono	Rubio
Brown	Hoeven	Sanders
Budd	Hyde-Smith	Schatz
Butler	Kaine	Schumer
Cantwell	Kelly	Scott (SC)
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Lankford	Smith
Cassidy	Luján	Stabenow
Collins	Markey	Sullivan
Coons	McConnell	Tester
Cornyn	Menendez	Thune
Cotton	Merkley	Tillis
Cramer	Moran	Van Hollen
Crapo	Mullin	Warner
Cruz	Murkowski	Warren
Duckworth	Murphy	Welch
Durbin	Murray	Whitehouse
Ernst	Ossoff	Wicker
Fetterman	Padilla	Wyden
Fischer	Peters	Young

NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The PRESIDING OFFICER. On this vote the yeas are 11, the nays are 82.

Under the previous order, requiring 60 affirmative votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 1828) was rejected.

The PRESIDING OFFICER. There will be two minutes for debate, equally divided, on the Durbin amendment No. 1841, as modified.

The Senator from Illinois.

AMENDMENT NO. 1841, AS MODIFIED

Mr. DURBIN. I call up my amendment No. 1841, as modified, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1841, as modified.

The amendment is as follows:

(Purpose: To prohibit warrantless access to the communications and other information of United States persons)

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) DEFINITION.—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) The term 'covered query' means a query conducted—

''(i) using a term associated with a United States person; or

''(ii) for the purpose of finding the information of a United States person.''.

(b) PROHIBITION.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting ''and the limitations and requirements in paragraph (5)'' after ''Constitution of the United States''; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

''(5) PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of any agency that has access to unminimized communications or information obtained through an acquisition under this section may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired under subsection (a) and returned in response to a covered query.

''(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—Subparagraph (A) shall not apply if—

''(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

''(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

''(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) in order to prevent or mitigate the threat described in item (aa), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

''(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

''(iv)(I) the communications content or information is accessed and used for defensive cybersecurity purposes, including the protection of a United States person from cyber-related harms;

''(II) other than for such defensive cybersecurity purposes, no communications content or other information described in subparagraph (A) are accessed or reviewed; and

''(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

''(C) MATTERS RELATING TO EMERGENCY QUERIES.—

''(i) TREATMENT OF DENIALS.—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

''(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

''(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

''(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

''(D) FOREIGN INTELLIGENCE PURPOSE.—

''(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, no officer or employee of any agency that has access to unminimized communications or information obtained through an acquisition under this section may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

''(ii) EXCEPTIONS.—An officer or employee of an agency that has access to unminimized communications or information obtained through an acquisition under this section may conduct a covered query of information acquired under this section if—

''(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

''(III)(aa) the query is conducted, and the results of the query are used, for defensive cybersecurity purposes, including the protection of a United States person from cyber-related harms;

''(bb) other than for such defensive cybersecurity purposes, no communications content or other information described in subparagraph (A) are accessed or reviewed; and

''(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

''(IV) the query is necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in a criminal matter under the laws of the United States or any State thereof.

''(6) DOCUMENTATION.—No officer or employee of any agency that has access to unminimized communications or information obtained through an acquisition under this section may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

''(7) QUERY RECORD SYSTEM.—The head of each agency that has access to unminimized communications or information obtained through an acquisition under this section shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the head of each agency that has access to unminimized communications or information obtained through an acquisition under this section shall report to Congress on its compliance with this procedure.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking '', including pursuant to subsection (f)(2) of such section,''.

(2) Section 706(a)(2)(A)(i) is amended by striking ''obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)'' and inserting ''accessed such information in accordance with section 702(f)(5)''.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Throughout our history and certainly since 9/11, we have been focused on a challenge: Can we keep America safe and still honor our Constitution?

I have been engaged in this debate for quite a few years, and I continue with it this evening. Over the course of our history, we have seen section 702 misused by our government: 3.4 million American conversations were monitored in 1 year; another, 200,000.

This modification I am suggesting, suggested by the Privacy and Civil Liberties Oversight Board, would mean that the Agency would have to report for warrants 80 cases a month. That is not too much when we are dealing with hundreds of thousands of targets and millions of conversations.

Yes, we can protect the constitutional Bill of Rights and keep our country safe. We have got to be mindful that this requires vigilance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, it is illegal for the U.S. Government or any of its Agencies to spy on American citizens. It is illegal. And nothing in this bill changes that. The fact is, the House has passed a reform bill which has made it far less likely for there to be abuses, inadvertent and otherwise, and it has real accountability measures that will punish people who abuse these necessary tools.

The fact of the matter is 702 applies to foreigners overseas, not Americans here in the United States. And where there is incidental collection, court after court after court has said it does not violate the Fourth Amendment. There is no constitutional violation. And if the intelligence Agencies want to look further at an American citizen, they have to go to the Foreign Intelligence Surveillance Court and get a warrant to show probable cause that a crime has been committed.

If we pass this requirement, it will simply benefit our foreign adversaries—Russia, China, Iran, Hamas—just to name a few.

The PRESIDING OFFICER. The Senator's time has expired.

VOTE ON AMENDMENT NO. 1841, AS MODIFIED

The question is on agreeing to the amendment.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Tennessee (Mr. HAGERTY), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 42, nays 50, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—42

Baldwin	Hirono	Murray
Barrasso	Hoeven	Padilla
Booker	Johnson	Paul
Braun	Kaine	Sanders
Brown	Kennedy	Scott (FL)
Butler	Lee	Scott (SC)
Cantwell	Luján	Smith
Coons	Lummis	Sullivan
Cramer	Markey	Tester
Cruz	Marshall	Tuberville
Daines	Menendez	Van Hollen
Durbin	Merkley	Warren
Hawley	Murkowski	Welch
Heinrich	Murphy	Wyden

NAYS—50

Bennet	Gillibrand	Risch
Blumenthal	Graham	Romney
Boozman	Grassley	Rosen
Britt	Hassan	Rounds
Budd	Hickenlooper	Rubio
Cardin	Hyde-Smith	Schatz
Carper	Kelly	Schumer
Casey	King	Shaheen
Cassidy	Klobuchar	Sinema
Collins	Lankford	Stabenow
Cornyn	McConnell	Thune
Cotton	Moran	Tillis
Crapo	Mullin	Warner
Duckworth	Ossoff	Whitehouse
Ernst	Peters	Wicker
Fetterman	Reed	Young
Fischer	Ricketts	

NOT VOTING—8

Blackburn	Hagerty	Vance
Capito	Manchin	Warnock
Cortez Masto	Schmitt	

The amendment (No. 1841), as modified, was rejected.

The PRESIDING OFFICER. There will be 2 minutes of debate, equally divided, on Lee amendment No. 1840.

The Senator from Utah.

AMENDMENT NO. 1840

(Purpose: To appropriately address the use of amici curiae in Foreign Intelligence Surveillance Court proceedings and to require adequate disclosure of relevant information in Foreign Intelligence Surveillance Act of 1978 applications.)

Mr. LEE. Mr. President, I call up my amendment No. 1840, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 1840.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, in 2020, 77 Members of this body voted for this amendment, and I would love to see the same result today.

According to the IG report following the Crossfire Hurricane investigation, there were a lot of FBI employees who appeared before the FISA Court who had made substantial misrepresentations to the FISA Court. It is one of the things that can happen in a nonadversarial courtroom setting. That is why this amendment that most of us voted for just 4 years ago does two things.

First, it beefs up the ability to have amicus curiae representation so that there is an extra set of eyes, not individual lawyers representing any one single person, but an extra set of eyes there to defend the rights of individual Americans—individual Americans—about 50,000 of whom are queried without any warrant, in a typical quarter, as recently as 2 years ago.

The second thing it does is it requires the disclosure to the court of all material, exculpatory evidence, or impeachment evidence—what we would call, in a courtroom, Brady and Giglio evidence—to the court.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEE. This is not too much. We should all be able to support this just as 77 of us did in 2020.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, there is some validity here, and the bill begins to cover some of it, but there is more we can do to fix this.

In Crossfire Hurricane, particularly in the case of Carter Page, the FBI agents lied to the court, and they inserted a dossier that proved to be opposition research, which you no longer can do under the reforms of this bill. You can no longer also include things like press media accounts of the case before them.

The function of this would be, on the other hand—and this is a real application because they would have probably brought it beyond that setting. Manuel Rocha was a spy in the Cuban Government, working for us as an Ambassador. Now he would have some advocate there arguing on his behalf in the court, someone who doesn't even have to have an intelligence background, and you may potentially even have to provide that advocate with intelligence information as exculpatory even though it really isn't exculpatory.

So this, as drafted, is problematic in the context of what we are trying to fix here, especially in light of the reforms that are already coming in as part of the bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this is the last amendment. If we can get this bill passed before 12 midnight, we will meet our goal. I commit to working with all to make sure that we continue to review the amicus proceedings in the next Intel authorization. So I urge Senators to reject the amendment.

VOTE ON AMENDMENT NO. 1840

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 40, nays 53, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—40

Baldwin	Hawley	Padilla
Barrasso	Hirono	Paul
Booker	Hoeven	Sanders
Braun	Johnson	Scott (FL)
Britt	Kennedy	Scott (SC)
Brown	Lee	Sullivan
Cantwell	Lummis	Tester
Coons	Markey	Tuberville
Cramer	Marshall	Van Hollen
Cruz	Menendez	Warren
Daines	Merkley	Welch
Durbin	Murkowski	Wyden
Grassley	Murphy	
Hagerty	Murray	

NAYS—53

Bennet	Graham	Risch
Blumenthal	Hassan	Romney
Boozman	Heinrich	Rosen
Budd	Hickenlooper	Rounds
Butler	Hyde-Smith	Rubio
Cardin	Kaine	Schatz
Carper	Kelly	Schumer
Casey	King	Shaheen
Cassidy	Klobuchar	Sinema
Collins	Lankford	Smith
Cornyn	Luján	Stabenow
Cotton	McConnell	Thune
Crapo	Moran	Tillis
Duckworth	Mullin	Warner
Ernst	Ossoff	Whitehouse
Fetterman	Peters	Wicker
Fischer	Reed	Young
Gillibrand	Ricketts	

NOT VOTING—7

Blackburn	Manchin	Warnock
Capito	Schmitt	
Cortez Masto	Vance	

The amendment (No. 1840) was rejected.

The PRESIDING OFFICER. Under the previous order, the bill is considered read a third time.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. There will now be up to 2 minutes of debate equally divided.

The majority leader.

Mr. SCHUMER. Mr. President, in the nick of time, bipartisanship has prevailed here in the Senate. We are reauthorizing FISA right before it expires at midnight—20 minutes before midnight, as the time is now. This bill now goes to the President's desk.

All day long, we persisted and persisted and persisted in trying to reach a breakthrough. In the end, we have succeeded, and we are getting FISA done. Democrats and Republicans came together and did the right thing for our country's safety. It wasn't easy. People had many different views. But we all know one thing: Letting FISA expire would be dangerous. It is an important part of our national security to stop acts of terror, drug trafficking, and violent extremism.

Thank you to all of my Senate colleagues on both sides of the aisle for their good work in getting this done.

ORDER OF BUSINESS

Now, for the information of the Senate, after this vote, we will have no further votes this evening. We are working on an agreement for consideration of the supplemental. Without an agreement, we will vote on laying down the supplemental as soon as we receive it from the House tomorrow. But we are working on the agreement now.

MARK WARNER has done a great job here as chairman of the Intelligence Committee, and I yield to him for 30 seconds.

Mr. WARNER. I thank Senator SCHUMER.

I just want to say I know these issues are tough. I appreciate all of the members of the Intelligence Committee, particularly Senator RUBIO.

For the areas that still need improvement, we commit to work with you to make this incredibly important tool more efficiently and effectively overseen as well.

I urge adoption of the bill.

The PRESIDING OFFICER. Is there further debate?

VOTE ON H.R. 7888

The bill having been read the third time, the question is, Shall the bill pass?

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO), the Senator from Missouri (Mr. SCHMITT), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—60

Barrasso	Graham	Reed
Bennet	Grassley	Ricketts
Blumenthal	Hassan	Risch
Boozman	Heinrich	Romney
Britt	Hickenlooper	Rosen
Budd	Hyde-Smith	Rounds
Cardin	Kaine	Rubio
Carper	Kelly	Schatz
Casey	Kennedy	Schumer
Cassidy	King	Shaheen
Collins	Klobuchar	Sinema
Coons	Lankford	Smith
Cornyn	Luján	Stabenow
Cotton	McConnell	Sullivan
Crapo	Moran	Thune
Duckworth	Mullin	Tillis
Ernst	Murkowski	Warner
Fetterman	Ossoff	Whitehouse
Fischer	Padilla	Wicker
Gillibrand	Peters	Young

NAYS—34

Baldwin	Hawley	Paul
Blackburn	Hirono	Sanders
Booker	Hoeven	Scott (FL)
Braun	Johnson	Scott (SC)
Brown	Lee	Tester
Butler	Lummis	Tuberville
Cantwell	Markey	Van Hollen
Cramer	Marshall	Warren
Cruz	Menendez	Welch
Daines	Merkley	Wyden
Durbin	Murphy	
Hagerty	Murray	

NOT VOTING—6

Capito	Manchin	Vance
Cortez Masto	Schmitt	Warnock

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 34.

Under the previous order requiring 60 votes for the passage of this bill, the bill is passed.

The bill (H.R. 7888) was passed.

SIGNING AUTHORITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions from April 20, 2024, through April 21, 2024.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I move to proceed to Calendar No. 211, H.R. 3935.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 211, H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

PREVENTING CHILD TRAFFICKING ACT OF 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3687 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3687) to direct the Office for Victims of Crime of the Department of Justice to implement anti-trafficking recommendations of the Government Accountability Office.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3687) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preventing Child Trafficking Act of 2024''.

SEC. 2. DEFINITIONS.

In this Act, the term ''anti-trafficking recommendations'' means the recommendations set forth in the report of the Government Accountability Office entitled ''Child Trafficking: Addressing Challenges to Public Awareness and Survivor Support'', which was published on December 11, 2023.

SEC. 3. IMPLEMENTATION OF ANTI-TRAFFICKING PROGRAMS FOR CHILDREN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Office for Victims of Crime of the Department of Justice, in coordination with the Office on Trafficking in Persons of the Administration for Children and Families, shall implement the anti-trafficking recommendations.

(b) REPORT.—Not later than 60 days after the date on which the Office for Victims of Crime implements the anti-trafficking recommendations pursuant to subsection (a), the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and Committee on the Judiciary of the House of Representatives that explicitly describes the steps taken by the Office to complete such implementation.

FEDERAL JUDICIARY STABILIZATION ACT OF 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent the Committee on the Judiciary be discharged from further consideration of S. 3998 and the

Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3998) to provide for the permanent appointment of certain temporary district judgeships.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed; the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3998) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Judiciary Stabilization Act of 2024''.

SEC. 2. TEMPORARY JUDGESHIPS IN THE DISTRICT COURTS.

(a) EXISTING JUDGESHIPS.—The existing judgeships for the district of Hawaii, the district of Kansas, and the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note) and the existing judgeships for the northern district of Alabama, the district of Arizona, the central district of California, the southern district of Florida, the district of New Mexico, the western district of North Carolina, and the eastern district of Texas authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note) shall, as of the effective date of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(b) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section, such table is amended—

(1) by striking the items relating to Alabama and inserting the following:

''Alabama:	
Northern	8
Middle	3
Southern	3'';

(2) by striking the item relating to Arizona and inserting the following:

''Arizona	13'';

(3) by striking the items relating to California and inserting the following:

''California:	
Northern	14
Eastern	6
Central	28
Southern	13'';

(4) by striking the items relating to Florida and inserting the following:

''Florida:	
Northern	4
Middle	15
Southern	18'';

(5) by striking the item relating to Hawaii and inserting the following:

''Hawaii	4'';

(6) by striking the item relating to Kansas and inserting the following:

''Kansas	6'';

(7) by striking the items relating to Missouri and inserting the following:

''Missouri:	
Eastern	7
Western	5
Eastern and Western	2'';

(8) by striking the item relating to New Mexico and inserting the following:

''New Mexico	7'';

(9) by striking the items relating to North Carolina and inserting the following:

''North Carolina:	
Eastern	4
Middle	4
Western	5''; and

(10) by striking the items relating to Texas and inserting the following:

''Texas:	
Northern	12
Southern	19
Eastern	8
Western	13''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate Resolutions: S. Res. 657, S. Res. 658, S. Res. 659.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to. (The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican Leader, pursuant to the provisions of Public Law 114–196, the appointment of the following individual to serve as a member of the United States Semiquincentennial Commission. Member of the Senate: The Honorable Lisa Murkowski of Alaska.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

FISA

Mr. VAN HOLLEN. Mr. President, our intelligence community relies on a range of tools to protect Americans from threats originating from abroad. One of them is section 702 of the Foreign Intelligence Surveillance Act—FISA—which is used to gather information related to foreign individuals located outside of the United States and has produced valuable information to help uncover terrorist plots and thwart attacks. I strongly support maintaining that important capability. At the same time, I have long been concerned that, without adequate safeguards, section 702 can be abused in a way that violates Americans' Fourth Amendment rights and unnecessarily intrudes on their privacy, including for ''backdoor'' searches. That is why I have long pushed for guardrails to prevent governmental overreach and abuse.

Despite the fact that surveillance under this section is supposed to be limited to certain foreign nationals abroad, a FISA Court opinion released in July 2023 stated that the FBI conducted approximately 40,000–50,000 warrantless ''backdoor'' search queries of section 702 communications data targeting U.S. persons per quarter in 2022. Moreover, over the course of 2022, government data shows that the FBI's rate of compliance with the FISA Court-approved querying standard has risen to approximately 98 percent, which means the rate of violations is 2 percent. While that may sound like an impressive compliance rate, it still amounts to 4,000 violations each year.

I acknowledge and appreciate that the bill before us includes some reforms to strengthen privacy protections for Americans. It codifies newly implemented internal practices that the FBI has adopted to address many of the abuses that have arisen. However, I believe that those protections can and should be further strengthened. The major issue involves those occasions in which the FBI or other U.S. Government Agencies determine that a foreign target is communicating with an American citizen. The Privacy and Civil Liberties Oversight Board—PCLOB—found that the majority of the FBI's U.S. person queries of section 702 information that are conducted yield little or no results. In 2022, the PCLOB found that the FBI accessed content following U.S. person queries only 1.58 percent of the time. In these few cases, the question arises as to whether and under what circumstances the U.S. Government should be able to review the contents of the communication of an American citizen. Senator DURBIN offered an amendment, which I supported, to require the FBI to obtain a warrant prior to viewing the content of

Americans' communications, subject to very important exceptions when exigent circumstances exist, when the U.S. person consents, and for certain cybersecurity imperatives. I am disappointed that this amendment was not adopted.

Another way to obtain the benefits of section 702 foreign intelligence collection without weakening the Fourth Amendment and privacy protections of Americans is to ensure that those interests are adequately represented and heard before the FISA Court. In 2015, Congress established amici who can advise the court, if requested, on new and significant issues. The involvement of amici has improved the FISA Court process, but their role could be strengthened. That is why I supported the Lee-Welch amendment, which requires amici participation in additional cases that have the potential to create precedent and allows amici to raise novel or significant privacy or civil liberties issue, rather than waiting to be requested by the FISC Court. The failure to adopt this amendment misses an opportunity to strengthen advocacy for privacy and civil liberties in FISA Court proceedings.

I am also deeply concerned by a provision, added at the eleventh hour in the House to greatly expand the type of providers that the U.S. Government could compel to produce information under section 702. I understand that this provision was added after the Foreign Intelligence Surveillance Court—FISC—ruled that the government could not use section 702 to compel a data center's compliance with an order to produce communications. The decision was predicated on whether a data center qualified as an ''electronic communications service provider'' under the law. This new definition, while intended to clarify the term to account for changing technology, broadly includes ''any other service provider who has access to equipment that is being or may be used to transmit or store wire or electronic communications.'' While I accept the representations from the Attorney General and others that this language is not intended to open the door to requiring a slew of service providers to comply with government demands to intercept communications, its plain language is very broad. It would, for example, require a company that installs, maintains, or repairs Wi-Fi or other communications systems to provide communications under section 702 to the government, all while being barred from telling anyone about the surveillance they helped conduct. While I appreciate the administration's commitment to apply this new definition exclusively to cover the type of service provider at issue in the litigation before the FISC, I believe there are ways to more narrowly achieve the administration's goal without providing the open-ended authority that is currently included in the bill. That is why I support Senator WYDEN's amendment to remove the new definition to give us time to tailor the language to meet the administration's purposes. I am disappointed that the Wyden amendment did not pass. The Senate should not be stampeded into passing sweeping new authorities with the assurance that it will be ''fixed'' later. We should fix it now.

Another troubling new provision added in the House that should be remedied here in the Senate is the expansion of searches of the section 702 database for individuals traveling to the United States. Under current practice, in addition to standard vetting to determine national security threats, individuals seeking visas to work or travel in the U.S. for the first time can be subject to terrorism-related queries of the database. The House bill allows for searches of a potentially far broader group of travelers—including existing visa holders returning to the U.S. from abroad—and a broader variety of searches. Again, with sufficient time, I believe we could meet the goal of effectively vetting visitors to the United States without authorizing powers that could easily be abused.

Section 702, while critical to our intelligence capabilities, must be reformed to protect constitutional and privacy rights. We have time to resolve these issues. The administration contends that without the immediate reauthorization of section 702 by midnight on April 19, 2024, the authority will lapse. However, we know that the Department of Justice obtained a renewed certification from the FISC, extending the authorization of active section 702 surveillance orders until April 2025. Section 404 of the FISA Amendments Act of 2008 makes clear that such certifications remain valid until their expiration.

While I agree that we need to congressionally reauthorize this authority, I am concerned that we are short-circuiting robust, bipartisan discussions in Congress on needed reforms and to correct problems in the House-passed bill. When dealing with matters of such import, we should not be pressured by an artificial deadline into passing a flawed law. Therefore, while I support the underlying authority in section 702, I voted against this legislation tonight because more must be done to protect Americans from its possible misuse.

FEDERAL AVIATION ADMINISTRATION

Mr. CARDIN. Mr. President, every 5 years, Congress comes together to reauthorize the Federal Aviation Administration—FAA. This reauthorization includes legislative changes related to aviation safety, new technology, support for the aviation industry and its workforce and more.

In July 2023, the House defeated an amendment to the bill proposing the addition of 14 flights to Ronald Reagan Washington National Airport—DCA.

However, the Senate Commerce-approved bill includes an amendment to introduce 10 additional flights to the airport. This proposal to add flights at an already strained DCA would adversely affect service quality, increase delays, and lead to more cancellations for all passengers.

Yesterday, DCA experienced a close call as two planes narrowly avoided a collision. This incident echoes a similar incident in March 2023 where two planes almost collided on DCA's runway. These near-misses underscore the critical need to safeguard the airport from additional flight operations.

DCA was originally designed to accommodate 15 million passengers. The airport is now projected to handle 25 million passengers this year.

In 2022, DCA ranked third in the Nation for its high cancellation rate among the busiest airports. Today, approximately 20–22 percent of flights departing and arriving at the airport are affected, leading to an average delay of 67 minutes.

The DCA slot-perimeter rule serves as a crucial mechanism for managing congestion and restricting nonstop flights at DCA. Its primary objective is to maintain a delicate operational and economic equilibrium among DCA, Dulles International Airport—IAD—and Baltimore/Washington International Thurgood Marshall Airport—BWI.

DCA and Washington Dulles International Airports—IAD—were federally designed and operate as a unified system on behalf of the government. Recognizing the constraints imposed by aircraft noise and community impact at DCA, Congress implemented the slot and perimeter rules. Dulles International was strategically positioned to serve as both the primary airport for regional growth and as an international gateway.

Ensuring operational stability has also facilitated a harmonious relationship with Thurgood Marshall Baltimore Washington International—BWI—ensuring that the broader interests of the region are effectively addressed. Our airports play a pivotal role in granting Maryland, the District of Columbia, and Virginia access to the global economy, thereby generating employment opportunities and fostering regional growth.

The connectivity offered by our regional aviation network has been a driving force behind the relocation of major corporate headquarters such as SAIC, Hilton Hotels, Nestle USA, and Volkswagen of America to the area.

Changes to the slot perimeter rule at DCA will have profound impact on the economies of Maryland and Virginia, negatively impact service, and delays and place a strain on an already overburdened DCA.

The safety of the public should be of the utmost concern in the FAA bill. And increasing slots at this airport undermines that safety.

As passenger volumes recover from the pandemic impacts and return to

serving nearly 75 million annual passengers, the need to maintain the balance of air service across all three airports is amplified.

My colleagues and I who represent the States of the National Capital Area region welcome a collaborative and open process should changes to our region's airports' operations be necessary. We ask that colleagues respect the need to work with us when changes are sought. As the House and Senate work toward a final FAA reauthorization bill, we oppose any proposals to add additional flights at DCA.

ADDITIONAL STATEMENTS

REMEMBERING DEPUTY JERMYIUS YOUNG

● Mr. TUBERVILLE. Mr. President, on April 5, Alabama lost Montgomery County Sheriff Deputy Jermyius Young to injuries sustained in a duty-related car crash. Deputy Young began working as a correctional officer at the Montgomery County Jail at the age of 18 while waiting to turn 21, the age required to attend the police academy. He joined the police academy as soon as he could and then became a sheriff's deputy for the county. He also served as a specialist with the U.S. Army Reserves 206th Transport Company out of Opelika.

Nicknamed ''Smiley'' by his parents for his positive demeanor, which was always accompanied by a huge smile, Deputy Young was an inspiration to everyone around him. Whether on or off the clock, he continually sought ways to help his community. He specifically invested his time volunteering with young people who aspired to be in law enforcement, like him.

''Deputy Young was a role model, not just for other deputies, but for me, as well. He was a fine law enforcement officer. He was loyal, unselfish, efficient, and he always came to work with a smile on his face. He came in wanting to make a difference. He was dedicated to the community and dedicated to making a difference,'' said Montgomery County Sheriff Derrick Cunningham.

There is no doubt that in Deputy Young's 21 years of life, he made a difference—in his community and in our State. Alabama mourns the loss of Deputy Young, but we also celebrate the legacy of courage and selflessness that he established. I join Alabamians in expressing our deepest gratitude for his courageous service.●

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:29 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.J. Res. 98. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to ''Standard for Determining Joint Employer Status''.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mrs. MURRAY).

ENROLLED BILL SIGNED

At 12:57 a.m. (April 20, 2024), a message from the House of Representatives, delivered by Mr. McCumber, the Clerk of the House of Representatives, announced that the Speaker has signed the following enrolled bill:

H.R. 7888. An act to reform the Foreign Intelligence Surveillance Act of 1978.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. WARNER).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4162. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Other Solid Waste Incinerators - Air Curtain Incinerators Title V Permitting Provisions'' (FRL No. 7547.3–01–OAR) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Environment and Public Works.

EC–4163. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Iowa; State Implementation Plan and State Operating Permits Program'' (FRL No. 11722–02–R7) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Environment and Public Works.

EC–4164. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Virginia; 1997 8-Hour Ozone National Ambient Air Quality Standard Second Maintenance Plan for the Fredericksburg Area'' (FRL No. 11261–02–R3) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Environment and Public Works.

EC–4165. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''PFAS National Primary Drinking Water Regulation Rulemaking'' ((RIN2040–AG18) (FRL No. 8543–02–OW)) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Environment and Public Works.

EC–4166. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; District of Columbia; Removal of Stage II Gasoline Vapor Recovery Program Requirements'' (FRL No. 9915–02–R3) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4167. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans for Air Quality Planning Purposes; State of Nevada; Clark County Second 10-Year Maintenance Plan for the 1997 8-Hour Ozone Standard'' (FRL No. 10549–02–R9) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4168. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Pennsylvania; Alleghany County Open Burning Revision and Addition of Mon Valley Air Pollution Episode Requirements'' (FRL No. 11415–02–R3) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4169. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Water Act Methods Update Rule for the Analysis of Effluent'' ((RIN2040–AG25) (FRL No. 9915–02–R3)) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4170. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule'' ((RIN2060–AU35) (FRL No. 7230–01–OAR)) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4171. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I and II Polymers and Resins Industry'' ((RIN2060–AV71) (FRL No. 9327–02–OAR)) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Environment and Public Works.

EC–4172. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777a; to the Committee on Armed Services.

EC–4173. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777a; to the Committee on Armed Services.

EC–4174. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled ''Joint Safety Council Chairman's Annual Statement of Compliance and Semi-Annual Report to Congress''; to the Committee on Armed Services.

EC–4175. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the second session of the 118th Congress; to the Committee on Armed Services.

EC–4176. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals that the Department of Defense requests be enacted during the second session

of the 118th Congress; to the Committee on Armed Services.

EC–4177. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13338 with respect to Syria; to the Committee on Banking, Housing, and Urban Affairs.

EC–4178. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13894 with respect to the situation in and in relation to Syria; to the Committee on Banking, Housing, and Urban Affairs.

EC–4179. A communication from the Deputy Director of Congressional Affairs, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision of License Requirements of Certain Cameras, Systems, or Related Components'' (RIN0694–AI45) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC–4180. A communication from the Associate General Counsel for Legislation and Regulations, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Expanding the Fair Housing Testing Pool for FHIP and FHAP Funded Entities'' (RIN2529–AB07) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC–4181. A communication from the Deputy Director of Congressional Affairs, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Controls on Radiation Hardened Integrated Circuits and expansion of License Exception GOV'' (RIN0694–AJ38) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Banking, Housing, and Urban Affairs.

EC–4182. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Clarifying Amendments to the Error Correction Rule'' (RIN1904–AE87) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Energy and Natural Resources.

EC–4183. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Petroleum-Equivalent Fuel Economy Calculation'' (RIN1904–AF47) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Energy and Natural Resources.

EC–4184. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Appliance Standards: Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment'' (RIN1904–AF13) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Energy and Natural Resources.

EC–4185. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way'' (RIN1004–AE60) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Energy and Natural Resources.

EC–4186. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Waste Prevention, Production Subject to Royalties, and Resource Conservation'' (RIN1004–AE79) received in the Office of the President of the Senate on April 17, 2024; to the Committee on Energy and Natural Resources.

EC–4187. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Residential Clothes Washers'' (RIN1904–AF58) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEE:

S. 4197. A bill to amend the FISA Amendments Act of 2008 to provide for an extension of certain authorities under title VII of the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

By Mr. SULLIVAN:

S. 4198. A bill to amend title 38, United States Code, to ensure direct access for families to national cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG (for himself, Mr. COONS, Mr. LANKFORD, Mr. PADILLA, Mr. CRUZ, Ms. HIRONO, Mr. TILLIS, and Mr. LUJÁN):

S. 4199. A bill to authorize additional district judges for the district courts and convert temporary judgeships; to the Committee on the Judiciary.

By Mr. LEE (for himself and Mr. MARSHALL):

S. 4200. A bill to amend title 5, United States Code, to provide for the publication, by the Office of Information and Regulatory Affairs, of information relating to rule making, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KING (for himself, Mr. RISCH, Ms. BALDWIN, Ms. COLLINS, Mrs. SHAHEEN, Mr. CRAPO, Mr. PETERS, Mr. BRAUN, Mr. MANCHIN, Mr. WICKER, Ms. SMITH, and Mr. BROWN):

S. Res. 657. A resolution celebrating the 152nd anniversary of Arbor Day; considered and agreed to.

By Mr. REED (for himself, Mr. SCOTT of South Carolina, Mr. BARRASSO, Mr. BOOZMAN, Mr. BRAUN, Mr. BUDD, Mrs. CAPITO, Mr. CASSIDY, Ms. COLLINS, Ms. CORTEZ MASTO, Mr. CRAMER, Mr. CRAPO, Mr. DAINES, Mr. DURBIN, Ms. HASSAN, Mrs. HYDE-SMITH, Mr. KING, Mr. MANCHIN, Mr. RISCH, Mr. ROMNEY, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT of Florida, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, Mr. YOUNG, Mr. PETERS, and Mr. TUBERVILLE):

S. Res. 658. A resolution designating April 2024 as ''Financial Literacy Month''; considered and agreed to.

By Mr. GRAHAM (for himself and Mr. SCOTT of South Carolina):

S. Res. 659. A resolution commending the University of South Carolina Gamecocks women's basketball team for winning the 2024 National Collegiate Athletics Association Women's Basketball National Championship; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. BUDD):

S. Res. 660. A resolution supporting the goals and ideals of National Public Safety Telecommunicators Week; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 242

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 242, a bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, or adult child, or another related individual, who has a serious health condition, and to allow employees to take, as additional leave, parental involvement and family wellness leave to participate in or attend their children's and grandchildren's educational and extracurricular activities or meet family care needs.

S. 566

At the request of Mr. LANKFORD, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 566, a bill to amend the Internal Revenue Code of 1986 to modify and extend the deduction for charitable contributions for individuals not itemizing deductions.

S. 871

At the request of Mr. LUJÁN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 871, a bill to amend section 7014 of the Elementary and Secondary Education Act of 1965 to advance toward full Federal funding for impact aid, and for other purposes.

S. 928

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 928, a bill to require the Secretary of Veterans Affairs to prepare an annual report on suicide prevention, and for other purposes.

S. 1149

At the request of Mr. HEINRICH, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alabama (Mrs. BRITT) were added as cosponsors of S. 1149, a bill to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental

funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

S. 1409

At the request of Mr. BLUMENTHAL, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1409, a bill to protect the safety of children on the internet.

S. 1792

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1792, a bill to amend title 38, United States Code, to modify the program of comprehensive assistance for family caregivers of veterans, and for other purposes.

S. 2626

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 2626, a bill to impose sanctions with respect to the Supreme Leader of Iran and the President of Iran and their respective offices for human rights abuses and support for terrorism.

S. 2767

At the request of Mr. BROWN, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 2767, a bill to amend title XVI of the Social Security Act to update the resource limit for supplemental security income eligibility.

S. 3356

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3356, a bill to amend title 18, United States Code, to modify the role and duties of United States Postal Service police officers, and for other purposes.

S. 3452

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3452, a bill to authorize the Secretary of Veterans Affairs to determine the eligibility or entitlement of a member or former member of the Armed Forces described in subsection (a) to a benefit under a law administered by the Secretary solely based on alternative sources of evidence when the military service records or medical treatment records of the member or former member are incomplete because of damage or loss of records after being in the possession of the Federal Government, and for other purposes.

S. 3775

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. MULLIN) was added as a cosponsor of S. 3775, a bill to amend the Public Health Service Act to reauthorize the BOLD Infrastructure for Alzheimer's Act, and for other purposes.

S. 3982

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3982, a bill to amend the Agricultural Marketing Act of 1946 to establish the Expanding Access to Local Foods Program, and for other purposes.

S. 3998

At the request of Mr. CRUZ, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 3998, a bill to provide for the permanent appointment of certain temporary district judgeships.

S. 4075

At the request of Mr. HAGERTY, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 4075, a bill to prohibit payment card networks and covered entities from requiring the use of or assigning merchant category codes that distinguish a firearms retailer from a general merchandise retailer or sporting goods retailer, and for other purposes.

S. 4123

At the request of Ms. BALDWIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 4123, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of personal service income earned in pass-thru entities.

S. 4163

At the request of Mr. RISCH, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 4163, a bill to require a report on the United States supply of nitrocellulose.

S. 4171

At the request of Mr. BLUMENTHAL, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 4171, a bill to amend the Natural Gas Act to protect consumers from excessive rates, and for other purposes.

S. 4185

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 4185, a bill to authorize appropriations for climate financing, and for other purposes.

S.J. RES. 63

At the request of Mr. CASSIDY, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S.J. Res. 63, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to ''Employee or Independent Contractor Classification Under the Fair Labor Standards Act''.

S.J. RES. 65

At the request of Mr. MCCONNELL, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S.J. Res. 65, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to ''Reconsideration of the National Ambient Air Quality Standards for Particulate Matter''.

S.J. RES. 72

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S.J. Res. 72, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to ''The Enhancement and Standardization of Climate-Related Disclosures for Investors''.

S. RES. 450

At the request of Mr. MARKEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 450, a resolution expressing the sense of the Senate that paraprofessionals and education support staff should have fair compensation, benefits, and working conditions.

S. RES. 629

At the request of Mr. DURBIN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. Res. 629, a resolution condemning the arbitrary arrest of United States citizens by the Government of the Russian Federation and calling for the immediate and unconditional release of such citizens.

S. RES. 642

At the request of Mr. KENNEDY, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of S. Res. 642, a resolution urging all members of the North Atlantic Treaty Organization to oppose confirmation of a new Secretary General, if the candidate was a former leader of a member country which did not spend 2 percent of gross domestic product (GDP) on defense.

S. RES. 644

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. Res. 644, a resolution expressing support for the designation of April 1, 2024, through April 30, 2024, as ''Fair Chance Jobs Month''.

S. RES. 651

At the request of Mr. SCHATZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 651, a resolution designating April 2024 as ''Preserving and Protecting Local News Month'' and recognizing the importance and significance of local news.

S. RES. 656

At the request of Mr. PETERS, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. Res. 656, a resolution supporting the goals and ideals of National Safe Digging Month.

AMENDMENT NO. 1820

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1820 proposed to H.R.

7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

AMENDMENT NO. 1832

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1832 intended to be proposed to H.R. 7888, a bill to reform the Foreign Intelligence Surveillance Act of 1978.

SUBMIITED RESOLUTIONS

SENATE RESOLUTION 657—CELEBRATING THE 152ND ANNIVERSARY OF ARBOR DAY

Mr. KING (for himself, Mr. RISCH, Ms. BALDWIN, Ms. COLLINS, Mrs. SHAHEEN, Mr. CRAPO, Mr. PETERS, Mr. BRAUN, Mr. MANCHIN, Mr. WICKER, Ms. SMITH, and Mr. BROWN) submitted the following resolution; which was considered and agreed to:

S. RES. 657

Whereas Arbor Day was founded on April 10, 1872, to recognize the importance of planting trees;

Whereas Arbor Day is a time to recognize the importance of trees and an opportunity for communities to gather and plant for a greener future;

Whereas Arbor Day is observed in all 50 States and across the world;

Whereas participating in Arbor Day activities promotes civic participation and highlights the importance of planting and caring for trees and vegetation;

Whereas Arbor Day activities provide an opportunity to convey to future generations the value of land and stewardship;

Whereas working forests have contributed to an increase in the number of trees planted in the United States and are sustainably managed, with less than 2 percent of working forests nationally harvested each year;

Whereas a key factor in preventing forest conversion and deforestation is keeping forests productive;

Whereas working forests are a critical part of a nature-based solution to climate change, and by providing a continuous cycle of growing, harvesting, and replanting, active forest management maximizes the ability to sequester and store carbon and improves forest resilience;

Whereas private forests play an important role in conserving at-risk and declining species, and collaborative conservation efforts can benefit species while also helping to keep forests as forests;

Whereas sustainably grown wood can be used in a wide variety of resilient infrastructure and building applications—from traditional timber framing to high-tech mass timber—and as a natural, renewable, and biodegradable material, the significant use of wood building materials in buildings and bridges helps decrease global carbon emissions;

Whereas the Arbor Day Foundation and the Tree City USA program have been committed to greening cities and towns across the country since 1976, and, in that time, more than 3,600 communities have made the commitment to becoming Tree City USA communities;

Whereas Tree City USA communities are home to more than 153,000,000 individuals in the United States who are dedicated to core standards of sound urban forestry management and who dedicate resources and time to urban forestry initiatives, which helps make their communities and our country a better place to live;

Whereas National Arbor Day is observed on the last Friday of April each year; and

Whereas April 26, 2024, marks the 152nd anniversary of Arbor Day: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes April 26, 2024, as ''National Arbor Day'';

(2) celebrates the 152nd anniversary of Arbor Day;

(3) supports the goals and ideals of National Arbor Day; and

(4) encourages the people of the United States to participate in National Arbor Day activities.

SENATE RESOLUTION 658—DESIGNATING APRIL 2024 AS ''FINANCIAL LITERACY MONTH''

Mr. REED (for himself, Mr. SCOTT of South Carolina, Mr. BARRASSO, Mr. BOOZMAN, Mr. BRAUN, Mr. BUDD, Mrs. CAPITO, Mr. CASSIDY, Ms. COLLINS, Ms. CORTEZ MASTO, Mr. CRAMER, Mr. CRAPO, Mr. DAINES, Mr. DURBIN, Ms. HASSAN, Mrs. HYDE-SMITH, Mr. KING, Mr. MANCHIN, Mr. RISCH, Mr. ROMNEY, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT of Florida, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, Mr. YOUNG, Mr. PETERS, and Mr. TUBERVILLE) submitted the following resolution; which was considered and agreed to:

S. RES. 658

Whereas, according to the report entitled ''Economic Well-Being of U.S. Households in 2022'' by the Board of Governors of the Federal Reserve System, self-reported financial well-being fell sharply and was among the lowest observed since 2016;

Whereas, according to the 2021 Federal Deposit Insurance Corporation National Survey of Unbanked and Underbanked Households—

(1) approximately 4.5 percent of households, representing 5,900,000 households in the United States, are unbanked and, therefore, have limited or no access to savings, lending, and other basic financial services; and

(2) an estimated 14.1 percent of households, representing 18,700,000 households in the United States, are underbanked;

Whereas, according to a report entitled ''Financial Capability of Adults with Disabilities'' by the National Disability Institute and the Financial Industry Regulatory Authority, people with disabilities were more likely to struggle with the key components of financial capability, which are making ends meet, planning ahead, managing financial products, and financial knowledge and decisionmaking, and could benefit from targeted financial education;

Whereas, according to the statistical release of the Federal Reserve Bank of New York for the fourth quarter of 2023 entitled ''Household Debt and Credit Report''—

(1) outstanding household debt in the United States has increased by $3,350,000,000,000 since the end of 2019;

(2) outstanding student loan balances have increased steadily during the last decade to nearly $1,600,000,000,000; and

(3) delinquency rates increased for all debt types except student loans;

Whereas the 2023 Employer Survey of the Employee Benefits Research Institute reported that financial wellness benefits, including broad-based financial education, are a tool to improve worker satisfaction and productivity;

Whereas the 2024 Survey of the States conducted biennially by the Council for Economic Education showed that, compared to the 2022 Survey of the States, 12 more States have passed legislation requiring students to take a financial education course, resulting in 10,000,000 more students gaining access to financial education before graduating from high school;

Whereas, in 2024, research by Tyton Partners, in conjunction with Next Gen Personal Finance, found a lifetime benefit of approximately $100,000 for students who completed personal finance education in high school;

Whereas expanding access to the safe, mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared—

(1) to make sound money management decisions about credit, debt, insurance, financial transactions, and planning for the future; and

(2) to become responsible workers, heads of household, investors, entrepreneurs, business leaders, and citizens;

Whereas financial education in schools in the United States is critical to a long-term financial inclusion strategy to reach students who are not able to get sufficient personal finance guidance at home;

Whereas increased financial literacy—

(1) empowers individuals to make wise financial decisions; and

(2) reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth; and

Whereas, in 2003, Congress—

(1) determined that coordinating Federal financial literacy efforts and formulating a national strategy is important; and

(2) in light of that determination, passed the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), establishing the Financial Literacy and Education Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2024 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe Financial Literacy Month with appropriate programs and activities.

SENATE RESOLUTION 659—COMMENDING THE UNIVERSITY OF SOUTH CAROLINA GAMECOCKS WOMEN'S BASKETBALL TEAM FOR WINNING THE 2024 NATIONAL COLLEGIATE ATHLETICS ASSOCIATION WOMEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. GRAHAM (for himself and Mr. SCOTT of South Carolina) submitted the following resolution; which was considered and agreed to:

S. RES. 659

Whereas, on Sunday, April 7, 2024, the University of South Carolina women's basketball team (referred to in this preamble as the ''Gamecocks'') won the National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') 2024 Women's Basketball National Championship (referred to in

this preamble as the ''championship game'') by defeating the University of Iowa by a score of 87 to 75 in Cleveland, Ohio;

Whereas the Gamecocks led at halftime, 49–46, and never relinquished that lead for the remainder of the game;

Whereas the victory by the Gamecocks in the championship game—

(1) made the Gamecocks 1 of 10 NCAA women's basketball teams to complete an undefeated season;

(2) marked the second time in 3 years that the Gamecocks won the National Championship; and

(3) earned the highest television ratings for a National Championship Game in the history of college women's basketball and the highest of any college basketball game, men's or women's, for the 2023–2024 season;

Whereas the head coach of the Gamecocks, Dawn Staley, was named the 2024 Werner Ladder Naismith Coach of the Year;

Whereas the Gamecocks displayed outstanding dedication, teamwork, and sportsmanship throughout the 2023–2024 collegiate women's basketball season in achieving the highest honor in women's college basketball and earning a record of 38 wins and 0 losses; and

Whereas the Gamecocks have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of South Carolina Gamecocks for winning the 2024 National Collegiate Athletic Association Women's Basketball National Championship;

(2) recognizes the on-court and off-court achievements of the players, coaches, and staff of the University of South Carolina's women's basketball team; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the President of the University of South Carolina, Michael D. Amiridis;

(B) the Head Coach of the University of South Carolina women's basketball team, Dawn Staley; and

(C) the Athletics Director of the University of South Carolina, Ray Tanner.

SENATE RESOLUTION 660—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

Ms. KLOBUCHAR (for herself and Mr. BUDD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 660

Whereas public safety telecommunications professionals play a critical role in emergency response;

Whereas the work that public safety telecommunications professionals perform goes far beyond simply relaying information between the public and first responders;

Whereas, when responding to reports of missing, abducted, and sexually exploited children, the information obtained and actions taken by public safety telecommunications professionals form the foundation for an effective response;

Whereas, when a hostage taker or suicidal individual calls 911, the first contact that individual has is with a public safety telecommunications professional, whose negotiation skills can prevent the situation from worsening;

Whereas, during crises, public safety telecommunications professionals, while collecting vital information to provide situational awareness for responding officers—

(1) coach callers through first aid techniques; and

(2) give advice to those callers to prevent further harm;

Whereas the work done by individuals who serve as public safety telecommunications professionals has an extreme emotional and physical toll on those individuals, which is compounded by long hours and the around-the-clock nature of the job;

Whereas public safety telecommunications professionals should be recognized by all levels of government for the lifesaving and protective nature of their work;

Whereas major emergencies and natural disasters highlight the dedication of public safety telecommunications professionals and their important work in protecting the public and police, fire, and emergency medical officials; and

Whereas public safety telecommunications professionals are often called as witnesses to provide important testimony in criminal trials: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the week of April 14 through 20, 2024, as ''National Public Safety Telecommunicators Week'';

(2) supports the goals and ideals of National Public Safety Telecommunicators Week;

(3) honors and recognizes the important and lifesaving contributions of public safety telecommunications professionals in the United States; and

(4) encourages the people of the United States to remember the value of the work performed by public safety telecommunications professionals.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1837. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table.

SA 1838. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1839. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1840. Mr. LEE (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra.

SA 1841. Mr. DURBIN (for himself, Mr. CRAMER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra.

TEXT OF AMENDMENTS

SA 1837. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

Beginning on page 87, strike line 14 and all that follows through page 90, line 4.

SA 1838. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) DEFINITION.—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) The term 'covered query' means a query conducted—

''(i) using a term associated with a United States person; or

''(ii) for the purpose of finding the information of a United States person.''.

(b) PROHIBITION.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting ''and the limitations and requirements in paragraph (5)'' after ''Constitution of the United States''; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

''(5) PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of the United States may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired under subsection (a) and returned in response to a covered query.

''(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—Subparagraph (A) shall not apply if—

''(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

''(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

''(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) in order to prevent or mitigate the threat described in subitem (AA), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

''(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

''(iv)(I) the communications content or information is accessed and used for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

''(II) other than malicious software and cybersecurity threat signatures, no communications content or other information are accessed or reviewed; and

''(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

''(C) MATTERS RELATING TO EMERGENCY QUERIES.—

''(i) TREATMENT OF DENIALS.—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

''(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

''(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

''(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

''(D) FOREIGN INTELLIGENCE PURPOSE.—

''(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, no officer or employee of the United States may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

''(ii) EXCEPTIONS.—An officer or employee of the United States may conduct a covered query of information acquired under this section if—

''(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

''(III)(aa) the query is conducted, and the results of the query are used, for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

''(bb) other than malicious software and cybersecurity threat signatures, no additional contents of communications acquired as a result of the query are accessed or reviewed; and

''(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

''(IV) the query is necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in a criminal matter under the laws of the United States or any State thereof.

''(6) DOCUMENTATION.—No officer or employee of the United States may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

''(7) QUERY RECORD SYSTEM.—The head of each agency that conducts queries shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the head of each agency that conducts queries shall report to Congress on its compliance with this procedure.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking '', including pursuant to subsection (f)(2) of such section,''.

(2) Section 706(a)(2)(A)(i) is amended by striking ''obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)'' and inserting ''accessed such information in accordance with section 702(f)(5)''.

SA 1839. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) DEFINITION.—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) The term 'covered query' means a query conducted—

''(i) using a term associated with a United States person; or

''(ii) for the purpose of finding the information of a United States person.''.

(b) PROHIBITION.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting ''and the limitations and requirements in paragraph (5)'' after ''Constitution of the United States''; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

''(5) PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of any agency that receives any information obtained through an acquisition under this section may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired under subsection (a) and returned in response to a covered query.

''(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—Subparagraph (A) shall not apply if—

''(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

''(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

''(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) in order to prevent or mitigate the threat described in subitem (AA), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

''(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

''(iv)(I) the communications content or information is accessed and used for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

''(II) other than malicious software and cybersecurity threat signatures, no communications content or other information are accessed or reviewed; and

''(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

''(C) MATTERS RELATING TO EMERGENCY QUERIES.—

''(i) TREATMENT OF DENIALS.—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

''(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

''(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

''(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

''(D) FOREIGN INTELLIGENCE PURPOSE.—

''(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, no officer or employee of any agency that receives any information obtained through an acquisition under this section may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

''(ii) EXCEPTIONS.—An officer or employee of any agency that receives any information obtained through an acquisition under this section may conduct a covered query of information acquired under this section if—

''(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

''(III)(aa) the query is conducted, and the results of the query are used, for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

''(bb) other than malicious software and cybersecurity threat signatures, no additional contents of communications acquired as a result of the query are accessed or reviewed; and

''(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

''(IV) the query is necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in a criminal matter under the laws of the United States or any State thereof.

''(6) DOCUMENTATION.—No officer or employee of any agency that receives any information obtained through an acquisition under this section may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

''(7) QUERY RECORD SYSTEM.—The head of each agency that conducts queries shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the head of each agency that conducts queries shall report to Congress on its compliance with this procedure.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking '', including pursuant to subsection (f)(2) of such section,''.

(2) Section 706(a)(2)(A)(i) is amended by striking ''obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)'' and inserting ''accessed such information in accordance with section 702(f)(5)''.

SA 1840. Mr. LEE (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; as follows:

On page 19, strike line 22 and all that follows through page 24, line 10, and insert the following:

(b) USE OF AMICI CURIAE IN FOREIGN INTELLIGENCE SURVEILLANCE COURT PROCEEDINGS.—

(1) EXPANSION OF APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Section 103(i)(2) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) shall, unless the court issues a finding that appointment is not appropriate, appoint 1 or more individuals who have been designated under paragraph (1), not fewer than 1 of whom possesses privacy and civil liberties expertise, unless the court finds that such a qualification is inappropriate, to serve as amicus curiae to assist the court in the consideration of any application or motion for an order or review that, in the opinion of the court—

''(i) presents a novel or significant interpretation of the law;

''(ii) presents significant concerns with respect to the activities of a United States person that are protected by the first amendment to the Constitution of the United States;

''(iii) presents or involves a sensitive investigative matter;

''(iv) presents a request for approval of a new program, a new technology, or a new use of existing technology;

''(v) presents a request for reauthorization of programmatic surveillance; or

''(vi) otherwise presents novel or significant civil liberties issues; and''; and

(ii) in subparagraph (B), by striking ''an individual or organization'' each place the term appears and inserting ''1 or more individuals or organizations''.

(B) DEFINITION OF SENSITIVE INVESTIGATIVE MATTER.—Section 103(i) is amended by adding at the end the following:

''(12) DEFINITION.—In this subsection, the term 'sensitive investigative matter' means—

''(A) an investigative matter involving the activities of—

''(i) a domestic public official or political candidate, or an individual serving on the staff of such an official or candidate;

''(ii) a domestic religious or political organization, or a known or suspected United States person prominent in such an organization; or

''(iii) the domestic news media; or

''(B) any other investigative matter involving a domestic entity or a known or suspected United States person that, in the judgment of the applicable court established under subsection (a) or (b), is as sensitive as an investigative matter described in subparagraph (A).''.

(2) AUTHORITY TO SEEK REVIEW.—Section 103(i), as amended by paragraph (1) of this subsection, is amended—

(A) in paragraph (4)—

(i) in the paragraph heading, by inserting ''; AUTHORITY'' after ''DUTIES'';

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(iii) in the matter preceding clause (i), as so redesignated, by striking ''the amicus curiae shall'' and inserting the following: ''the amicus curiae—

''(A) shall'';

(iv) in subparagraph (A)(i), as so redesignated, by inserting before the semicolon at the end the following: '', including legal arguments regarding any privacy or civil liberties interest of any United States person that would be significantly impacted by the application or motion''; and

(v) by striking the period at the end and inserting the following: ''; and

''(B) may seek leave to raise any novel or significant privacy or civil liberties issue relevant to the application or motion or other issue directly impacting the legality of the proposed electronic surveillance with the court, regardless of whether the court has requested assistance on that issue.'';

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(C) by inserting after paragraph (6) the following:

''(7) AUTHORITY TO SEEK REVIEW OF DECISIONS.—

''(A) FISA COURT DECISIONS.—

''(i) PETITION.—Following issuance of an order under this Act by the Foreign Intelligence Surveillance Court, an amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court to certify for review to the Foreign Intelligence Surveillance Court of Review a question of law pursuant to subsection (j).

''(ii) WRITTEN STATEMENT OF REASONS.—If the Foreign Intelligence Surveillance Court denies a petition under this subparagraph, the Foreign Intelligence Surveillance Court shall provide for the record a written statement of the reasons for the denial.

''(iii) APPOINTMENT.—Upon certification of any question of law pursuant to this subparagraph, the Court of Review shall appoint the amicus curiae to assist the Court of Review in its consideration of the certified question, unless the Court of Review issues a finding that such appointment is not appropriate.

''(B) DECLASSIFICATION OF REFERRALS.—For purposes of section 602, a petition filed under subparagraph (A) of this paragraph and all of its content shall be considered a decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review described in paragraph (2) of section 602(a).''.

(3) ACCESS TO INFORMATION.—

(A) APPLICATION AND MATERIALS.—Section 103(i)(6) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) RIGHT OF AMICUS.—If a court established under subsection (a) or (b) appoints an amicus curiae under paragraph (2), the amicus curiae—

''(I) shall have access, to the extent such information is available to the Government, to—

''(aa) the application, certification, petition, motion, and other information and supporting materials, including any information described in section 901, submitted to the Foreign Intelligence Surveillance Court in connection with the matter in which the amicus curiae has been appointed, including access to any relevant legal precedent (including any such precedent that is cited by the Government, including in such an application);

''(bb) an unredacted copy of each relevant decision made by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review in which the court decides a question of law, without regard to whether the decision is classified; and

''(cc) any other information or materials that the court determines are relevant to the duties of the amicus curiae; and

''(II) may make a submission to the court requesting access to any other particular materials or information (or category of materials or information) that the amicus curiae believes to be relevant to the duties of the amicus curiae.

''(ii) SUPPORTING DOCUMENTATION REGARDING ACCURACY.—The Foreign Intelligence Surveillance Court, upon the motion of an amicus curiae appointed under paragraph (2) or upon its own motion, may require the Government to make available the supporting documentation described in section 902.''.

(B) CLARIFICATION OF ACCESS TO CERTAIN INFORMATION.—Section 103(i)(6) is amended—

(i) in subparagraph (B), by striking ''may'' and inserting ''shall''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) CLASSIFIED INFORMATION.—An amicus curiae designated or appointed by the court shall have access, to the extent such information is available to the Government, to unredacted copies of each opinion, order, transcript, pleading, or other document of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review, including, if the individual is eligible for access to classified information, any classified documents, information, and other materials or proceedings.''.

(4) DEFINITIONS.—Section 101 is amended by adding at the end the following:

''(q) The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).

''(r) The term 'Foreign Intelligence Surveillance Court of Review' means the court established under section 103(b).''.

(5) TECHNICAL AMENDMENTS RELATING TO STRIKING SECTION 5(C) OF THE BILL.—

(A) Subsection (e) of section 603, as added by section 12(a) of this Act, is amended by striking ''section 103(m)'' and inserting ''section 103(l)''.

(B) Section 110(a), as added by section 15(b) of this Act, is amended by striking ''section 103(m)'' and inserting ''section 103(l)''.

(C) Section 103 is amended by redesignating subsection (m), as added by section 17 of this Act, as subsection (l).

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and shall apply with respect to proceedings under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that take place on or after, or are pending on, that date.

(c) REQUIRED DISCLOSURE OF RELEVANT INFORMATION IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 APPLICATIONS.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE IX—REQUIRED DISCLOSURE OF RELEVANT INFORMATION

''SEC. 901. DISCLOSURE OF RELEVANT INFORMATION.

''The Attorney General or any other Federal officer or employee making an application for a court order under this Act shall provide the court with—

''(1) all information in the possession of the applicant or agency by which the applicant is employed that is material to determining whether the application satisfies the applicable requirements under this Act, including any exculpatory information; and

''(2) all information in the possession of the applicant or agency by which the applicant is employed that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings that are required to be made under the applicable provision of this Act in order for the court order to be issued.

''SEC. 902. CERTIFICATION REGARDING ACCURACY PROCEDURES.

''(a) DEFINITION OF ACCURACY PROCEDURES.—In this section, the term 'accuracy procedures' means specific procedures, adopted by the Attorney General, to ensure that an application for a court order under this Act, including any application for renewal of an existing order, is accurate and complete, including procedures that ensure, at a minimum, that—

''(1) the application reflects all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings;

''(2) the application reflects all material information that might reasonably call into question the reliability and reporting of any information from a confidential human source that is used in the application;

''(3) a complete file documenting each factual assertion in an application is maintained;

''(4) the applicant coordinates with the appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), concerning any prior or existing relationship with the target of any surveillance, search, or other means of investigation, and discloses any such relationship in the application;

''(5) before any application targeting a United States person (as defined in section 101) is made, the applicant Federal officer shall document that the officer has collected and reviewed for accuracy and completeness supporting documentation for each factual assertion in the application; and

''(6) the applicant Federal agency establish compliance and auditing mechanisms on an annual basis to assess the efficacy of the accuracy procedures that have been adopted and report such findings to the Attorney General.

''(b) STATEMENT AND CERTIFICATION OF ACCURACY PROCEDURES.—Any Federal officer making an application for a court order under this Act shall include with the application—

''(1) a description of the accuracy procedures employed by the officer or the officer's designee; and

''(2) a certification that the officer or the officer's designee has collected and reviewed for accuracy and completeness—

''(A) supporting documentation for each factual assertion contained in the application;

''(B) all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings; and

''(C) all material information that might reasonably call into question the reliability and reporting of any information from any confidential human source that is used in the application.

''(c) NECESSARY FINDING FOR COURT ORDERS.—A judge may not enter an order under this Act unless the judge finds, in addition to any other findings required under this Act, that the accuracy procedures described in the application for the order, as required under subsection (b)(1), are actually accuracy procedures as defined in this section.''.

(2) TECHNICAL AMENDMENTS TO ELIMINATE AMENDMENTS MADE BY SECTION 10 OF THE BILL.—

(A) Subsection (a) of section 104 is amended—

(i) in paragraph (9), as amended by section 6(d)(1)(B) of this Act, by striking ''and'' at the end;

(ii) in paragraph (10), as added by section 6(d)(1)(C) of this Act, by adding ''and'' at the end;

(iii) in paragraph (11), as added by section 6(e)(1) of this Act, by striking ''; and'' and inserting a period;

(iv) by striking paragraph (12), as added by section 10(a)(1) of this Act; and

(v) by striking paragraph (13), as added by section 10(b)(1) of this Act.

(B) Subsection (a) of section 303 is amended—

(i) in paragraph (8), as amended by section 6(e)(2)(B) of this Act, by adding ''and'' at the end;

(ii) in paragraph (9), as added by section 6(e)(2)(C) of this Act, by striking ''; and'' and inserting a period;

(iii) by striking paragraph (10), as added by section 10(a)(2) of this Act; and

(iv) by striking paragraph (11), as added by section 10(b)(2) of this Act.

(C) Subsection (c) of section 402, as amended by subsections (a)(3) and (b)(3) of section 10 of this Act, is amended—

(i) in paragraph (2), by adding ''and'' at the end;

(ii) in paragraph (3), by striking the semicolon and inserting a period;

(iii) by striking paragraph (4), as added by section 10(a)(3)(C) of this Act; and

(iv) by striking paragraph (5), as added by section 10(b)(3)(C) of this Act.

(D) Subsection (b)(2) of section 502, as amended by subsections (a)(4) and (b)(4) of section 10 of this Act, is amended—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) in subparagraph (B), by striking the semicolon and inserting a period;

(iii) by striking subparagraph (E), as added by section 10(a)(4)(C) of this Act; and

(iv) by striking subparagraph (F), as added by section 10(b)(4)(C) of this Act.

(E) Subsection (b)(1) of section 703, as amended by subsections (a)(5)(A) and (b)(5)(A) of section 10 of this Act, is amended—

(i) in subparagraph (I), by adding ''and'' at the end;

(ii) in subparagraph (J), by striking the semicolon and inserting a period;

(iii) by striking subparagraph (K), as added by section 10(a)(5)(A)(iii) of this Act; and

(iv) by striking subparagraph (L), as added by section 10(b)(5)(A)(iii) of this Act.

(F) Subsection (b) of section 704, as amended by subsections (a)(5)(B) and (b)(5)(B) of section 10 of this Act, is amended—

(i) in paragraph (6), by adding ''and'' at the end;

(ii) in paragraph (7), by striking the semicolon and inserting a period;

(iii) by striking paragraph (8), as added by section 10(a)(5)(B)(iii) of this Act; and

(iv) by striking paragraph (9), as added by section 10(b)(5)(B)(iii) of this Act.

(G)(i) The Attorney General shall not be required to issue procedures under paragraph (7) of section 10(a) of this Act.

(ii) Nothing in clause (i) shall be construed to modify the requirement for the Attorney General to issue accuracy procedures under section 902(a) of the Foreign Intelligence Surveillance Act of 1978, as added by paragraph (2) of this subsection.

SA 1841. Mr. DURBIN (for himself, Mr. CRAMER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) DEFINITION.—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) The term 'covered query' means a query conducted—

''(i) using a term associated with a United States person; or

''(ii) for the purpose of finding the information of a United States person.''.

(b) PROHIBITION.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting ''and the limitations and requirements in paragraph (5)'' after ''Constitution of the United States''; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

''(5) PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of the Federal Bureau of Investigation may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired under subsection (a) and returned in response to a covered query.

''(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—Subparagraph (A) shall not apply if—

''(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

''(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

''(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) in order to prevent or mitigate the threat described in item (aa), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

''(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

''(iv)(I) the communications content or information is accessed and used for defensive cybersecurity purposes, including the protection of a United States person from cyber-related harms;

''(II) other than for such defensive cybersecurity purposes, no communications content or other information described in subparagraph (A) are accessed or reviewed; and

''(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

''(C) MATTERS RELATING TO EMERGENCY QUERIES.—

''(i) TREATMENT OF DENIALS.—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

''(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

''(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

''(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

''(D) FOREIGN INTELLIGENCE PURPOSE.—

''(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, no officer or employee of the Federal Bureau of Investigation may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

''(ii) EXCEPTIONS.—An officer or employee of the Federal Bureau of Investigation may conduct a covered query of information acquired under this section if—

''(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

''(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

''(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

''(III)(aa) the query is conducted, and the results of the query are used, for defensive cybersecurity purposes, including the protection of a United States person from cyber-related harms;

''(bb) other than for such defensive cybersecurity purposes, no communications content or other information described in subparagraph (A) are accessed or reviewed; and

''(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

''(IV) the query is necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in a criminal matter under the laws of the United States or any State thereof.

''(6) DOCUMENTATION.—No officer or employee of the Federal Bureau of Investigation may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

''(7) QUERY RECORD SYSTEM.—The Director of the Federal Bureau of Investigation shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the Director of the Federal Bureau of Investigation shall report to Congress on its compliance with this procedure.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking '', including pursuant to subsection (f)(2) of such section,''.

(2) Section 706(a)(2)(A)(i) is amended by striking ''obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)'' and inserting ''accessed such information in accordance with section 702(f)(5)''.

ORDERS FOR SATURDAY, APRIL 20, 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. on Saturday, April 20; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; and that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to Calendar No. 211, H.R. 3935.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:29 a.m., adjourned until Saturday, April 20, 2024, at 9 a.m.