Do we want a limited government, or do we want to continue to expand a larger and larger government? Do we want to raise taxes more and more to sustain spending levels higher than we have ever had them before? Is that what we want? Or are we prepared to make reductions in spending? One or the other has to occur. We cannot continue to borrow at the rate we are borrowing, which every expert has told us.

I am challenging the leaders of this Senate who asked for the job, who asked to be leaders of the Senate, asked to be given the responsibility of helping guide our Nation, to step forward and provide leadership.

In the joint statement issued by Mr. Bowles and Alan Simpson that they submitted to the Budget Committee, they said our Nation has never faced a more predictable financial crisis. In other words, to the experts they heard from and who testified to them, and then based on their own study, they believe we are heading to a financial crisis. Alan Greenspan recently said: I think the Congress will, at some point, pass reform in spending and budget matters. The only question is, Will they pass it before or after the debt crisis hits.

So we have that challenge. We have no higher duty than to protect our people from a foreseeable danger.

That danger is out there. We are heading right toward it. It is time for us to stand up and be honest and face that challenge. I do not believe business as usual should continue, and I will object to it so far as I am able.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PATRIOT SUNSETS EXTENSION ACT OF 2011—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1038, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 1038) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

Mrs. FEINSTEIN. Mr. President, as Chairman of the Senate Intelligence Committee, I wish to point out that as of Friday, there are three provisions of the Foreign Intelligence Surveillance Act which are going to expire. Those three provisions are something called roving wiretaps, the ''lone wolf'' provision, and the business records authority.

Because of prior discussions, let me point out up-front that this does not include national security letters, just these three provisions: ''roving wiretaps,'' the ''lone wolf,'' and the ''business records'' authorities.

I very much appreciate that the majority leader and the Republican leader have come together in agreement to bring this legislation to the Senate floor. Because of its importance, particularly at this point in time, I hope we will be able to conclude this business and see that those provisions are extended for 4 years before Friday.

Many of us strongly believe when it comes to national security there should be no partisan divide, only strong bipartisan support. So this measure should receive a substantial vote this afternoon, and the Senate will pass it quickly this week before these key authorities expire.

But before talking about the substance of the legislation, let me describe the context in which this debate occurs.

Three weeks ago, on May 1, the United States carried out a risky, complicated but ultimately successful strike against Osama bin Laden, in Abbottabad, Pakistan. The strike was the culmination of nearly a decade-long intelligence operation to locate bin Laden.

Similar to most complex intelligence challenges, finding bin Laden was the product of multiple intelligence sources and collection methods. It was a seamless effort led by the CIA, with important contributions from the National Security Agency—known as the NSA—and the National Geospatial Intelligence Agency as well.

The intelligence mechanisms that are employed in counterterrorism operations are carefully and regularly reviewed by the Senate's Intelligence Committee, which I have the honor to chair. Some are also overseen by the Judiciary Committee, on which I also have the pleasure to serve.

These intelligence tools include the provisions of the Foreign Intelligence Surveillance Act, or FISA, and in particular the three provisions that will, if not reauthorized, expire on May 27. Again, they are the ''roving wiretap,'' the ''lone wolf,'' and the ''business records'' authorities.

The point is, we as a nation rely on certain secret sources and methods to protect our national security. Most other nations do as well.

It is also important to note that the strike against bin Laden, while a critical strategic blow to al-Qaida, is also very likely to lead to reprisal attempts.

There have been calls for attacks against the United States after the bin Laden strike from al-Qaida in Pakistan, from al-Qaida affiliates in Yemen and North Africa. There is a very real concern that radicalized Americans here at home may contemplate violence in response to extremists' calls for retribution.

So this is a time of heightened threat—maybe no specific threat, but certainly heightened threats. We are seeing attacks in Pakistan carried but by the Taliban in reprisals for this attack as well. Therefore, this is a time when our vigilance must also be heightened.

Key officials from the National Counterterrorism Center, the FBI, and the Department of Homeland Security recently described to the Intelligence Committee in closed session how their respective agencies have heightened their defensive posture over these very concerns.

Clearly, this is a time where every legal counterterrorism and intelligence-gathering mechanism should be made available.

It is also a time to seize the opportunity to further disrupt al-Qaida. The assault on the bin Laden compound netted a cache of valuable information: papers, videos, computer drives, and other materials about al Qaeda's vision and al-Qaida's plans.

The intelligence community established an interagency task force to go through that material as quickly as possible. I am hopeful that previously unknown terror plots will be identified and information leading to the location of terrorists will be found.

Authorities such as the three provisions set to expire this Friday may well prove critical to thwarting new plots and finding terrorists. They must be renewed.

Let me describe the three provisions in more detail.

First, the roving wiretap provision. Roving wiretap authority was first authorized for intelligence purposes in the PATRIOT Act in 2001. But, as you know, it has been used for years in the criminal context. This provision, codified in the Foreign Intelligence Surveillance Act, provides the government with the flexibility necessary to conduct electronic surveillance against elusive targets.

Let me explain.

In most cases under FISA, the government can go to the Foreign Intelligence Surveillance Act Court—which I will describe in detail later—and present an application to tap the telephone of a suspected terrorist or spy. The FISA Court reviews the application and can issue an order—basically a warrant—to allow the government to tap a phone belonging to that target.

We all know in this day and age there are disposable or ''throw away'' cell phones that allow foreign intelligence agents and terrorists not only to switch numbers but also to throw away their cell phone and replace it with another.

This roving wiretap authority allows the government to make a specific

showing to the FISA Court that the actions of a terrorist or spy may have the effect of thwarting intelligence. In other words, they make one appearance, and the government can thus seek, and the FISA Court can authorize, a roving wiretap so that the FBI, for example, can follow the target without having to go back to the Court for each cell phone change.

Instead, the FBI in this case would report to the FISA Court, normally within 10 days of following the target to a new cell phone, with information on the fact justifying the belief that the new phone was or is being used by the target.

The Justice Department has advised Congress that the authority to conduct roving electronic surveillance under FISA has proven to be operationally useful in some 20 national security investigations annually. So this provision is both used and very necessary in this day of throw away cell phones.

''Lone wolf'' authority allows the government to request, and the FISA Court to approve, intelligence collection against non-U.S. persons who engage in international terrorism but for whom an association with a specific international terrorist organization may not yet be known.

Let me explain that more clearly. All other FISA surveillance and searches must be focused on a target who the government can prove is tied to a foreign power. Before the government can tap a phone or search a residence, it needs to demonstrate that the person it is after is an employee or spy or otherwise working for, or on behalf of, another country or terrorist group.

The ''lone wolf'' provision, which was added to FISA in 2004, recognizes that there may be cases where the government suspects an individual inside the United States of plotting a terrorist attack, but it has not been able to link that individual to al-Qaida or al Shabaab or another group.

The ''lone wolf'' authority allows the government to go to the FISA Court, show why it believes a non-U.S. person is engaging in terrorist activity, and get a warrant to begin surveillance. This is not done without a warrant from the court.

It also allows for court-ordered collection against a non-U.S. target who may have broken with a terrorist organization while continuing to prepare for an act of international terrorism.

The Justice Department has advised Congress that although to date it has not used this authority, the ''lone wolf'' authority nevertheless fills an important gap in U.S. collection capabilities, and we have it if we need it.

The recent case of Khalid Aldawsari, a Saudi national arrested in Texas this past February, shows why the ''lone wolf'' authority is necessary. Aldawsari was arrested after the FBI learned he had purchased chemicals and conducted research needed to make improvised explosive devices. He had also researched bomb targets, including dams in California and the Dallas residence of former President George W. Bush.

Unlike other recent terrorists such as Najibullah Zazi, David Headley, and Umar Farouk Abdulmutallab, Aldawsari was not identified on the basis of his connections to foreign terrorist organizations or known at the time of his capture to be working with one.

He is better described as one of the most recent cases of individuals already inside the United States who became radicalized and committed to carrying out terrorist attacks.

So it is for this kind of threat that the ''lone wolf'' authority is important and why we should extend this mechanism. It is also this kind of threat that the Intelligence Community is now especially worried about, as people inside the United States may be spurred to action in retaliation for the strike against bin Laden.

If the FBI, the Department of Homeland Security, or a State or local police officer identifies someone building bombs, it is necessary to move quickly and not take time to research a possible connection to al-Qaida before we use FISA authorities to learn what they are up to and when and how they might strike.

Business records. The third authority covered by this legislation is known as the business records provision and provides the government the same authority in national security investigations to obtain physical records that exist in an ordinary criminal case through a grand jury subpoena.

Business records authority has been used since 2001 in FISA to obtain driver's license records, hotel records, car rental records, apartment leasing records, credit card records, among other business records. This is the way in which you track a target.

Let me note that while the debate over this provision has often focused on library circulation records, the Justice Department has advised the Congress that this authority has never—let me stress, never—been used to obtain library circulation records.

We had a big debate on this issue when this came up before. In fact, this authority has never been used for library circulation records.

The Department has informed Congress that it submitted 96 applications to the FISA Court for business record orders last year. The Justice Department has further stated that some business records orders have been used to support critically important and highly sensitive intelligence collection activities. The House and Senate Intelligence Committees have been fully briefed on that collection.

Information about this sensitive collection has also been provided to the House and Senate Judiciary Committees, and information has been available for months to all Senators for their review.

The details on how the government uses all three of these authorities are classified and discussion of them here would harm our ability to identify and stop terrorist attacks and espionage. But, if any Senators would like further details, I encourage them to contact the Intelligence Committee, or to request a briefing from the Intelligence Community or the Department of Justice.

I have mentioned several times the role of the Foreign Intelligence Surveillance Court. Let me describe what it is and how it operates.

The FISA Court is a special court. It is a set of 11 Federal district judges, each of whom is appointed by the Chief Justice to specifically serve in this role.

At least one of these judges is available at all times—24 hours a day, 7 days a week, 365 days a year—for the purpose of reviewing government applications to use FISA authorities and, if those applications are sufficient, approving them by issuing an order, or what we call in the criminal law, a warrant.

The FISA Court judges meet in closed session to review classified declarations, and they provide very careful judicial review of the government's applications. They are expert in this specialized area of the law, as is their expert staff. The Department of Justice officials who come before them take all care in making their case and presenting their facts, as they do in public court.

The American people should understand that these FISA authorities we are discussing now—the ability to conduct electronic surveillance and obtain records—are subject to strict oversight. A Senate-confirmed official in the Department of Justice, the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for National Security—one of these three must, and I stress ''must''—sign off on every application before it goes to the Foreign Intelligence Surveillance Court.

Federal judges, also confirmed by the Senate, must approve the applications. Inspectors General conduct regular audits and oversight as well. The Senate and House Intelligence and Judiciary Committees receive regular reports from the Department of Justice on the use of all FISA authorities, as well as receiving briefings from the FBI and NSA on the implementation of the FISA statute.

The three authorities reauthorized by this legislation have been debated extensively on this floor and in this Congress since it came up for reauthorization in 2009. Every single national security official to come before the Congress in the past 2 years has testified that these provisions are vital to protect America and has urged their reauthorization.

It is very hard, I think, to vote no in the face of what we have been told in classified intelligence briefings and in hearings by officials from the Attorney General's office and the FBI. In fact,

the Attorney General and the Director of National Intelligence wrote a letter to Leaders REID and MCCONNELL today, May 23, expressing their strong support for immediate enactment of the legislation we are now considering.

I ask unanimous consent to have printed in the RECORD the letter to Leaders REID and MCCONNELL.

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

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE,
Washington, DC, May 23, 2011.

Hon. JOHN BOEHNER,
Speaker, U.S. House of Representatives, Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Democratic Leader, U.S. House of Representatives, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER BOEHNER AND LEADERS REID, PELOSI, AND MCCONNELL: We write to express our strong support for the immediate enactment of S. 1038, the Patriot Sunsets Extension Act of 2011. The Foreign Intelligence Surveillance Act (''FISA'') is a critical tool that has been used in numerous highly sensitive intelligence collection operations. Three vital provisions of FISA are scheduled to expire after May 26, 2011: section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps that may thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides expanded authority to compel production of business records and other tangible things with the approval of the FISA court; and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides the authority under FISA to target non-United States persons who engage in international terrorism or activities in preparation therefor, but are not necessarily associated with an identified terrorist group (the so-called ''lone wolf'' definition).

In the current threat environment, it is essential that our intelligence and law enforcement agencies have the tools they need to protect our national security. At this critical moment there must be no interruption in our ability to make full use of these authorities to protect the American people, and we urge the Congress to pass the bill and send it to the President without delay.

The Office of Management and Budget has advised us that there is no objection to this letter from the perspective of the Administration's program.

Sincerely,

JAMES R. CLAPPER,
Director of National Intelligence.
ERIC H. HOLDER, Jr.,
Attorney General.

Mrs. FEINSTEIN. Mr. President, let me point out there are no recent cases of abuse of these authorities. The oversight system in place is working well, I believe, to ensure they will not be misused in the future.

Other Senators may come to this floor and talk about abuses of these authorities, but I ask: Listen carefully. Chances are they are talking about a section not involved here, and that is the section on national security letters. Again, national security letters are not touched by these three sections we are renewing today. And I would say, yes, they were abused or misused in years past, according to the Inspector General of the Department of Justice. But corrections have been made since then. More important, for today's debate, there is nothing we are taking up today that affects or mentions national security letters at all. I have referred to this now four times. I hope I get it across because that is what happened last time. People came to the floor and what they were talking about was not in the legislation we were considering.

Earlier this year, I was pleased to support legislation authored by Senator LEAHY that would have made several improvements in the Foreign Intelligence Surveillance Act in order to better protect privacy rights and civil liberties. But the point I made during the debate in the Judiciary Committee, which I will repeat again today, is that many of these changes were in fact codifying practices the Department of Justice and the FBI have already implemented.

For example, minimization. That was one of the issues that was discussed. It has been implemented. The departments are listening and they have taken action where there have been problems.

I wish to say to my colleagues that the Executive Branch has heard and has acted to address concerns about intrusions into Americans' civil liberties. The Office of the Inspector General in the Department of Justice has indicated that it intends to conduct audits and inspections to ensure that the implementation of FISA is in full compliance with the law, and its reports will be carefully reviewed by this Congress and by the concerned Committees. A major priority of the Intelligence Committee in this house is to conduct regular oversight on the use of FISA authorities, and we will continue to do so after passage of this legislation.

Just about every administration official to testify on the use of FISA authorities has also noted the importance of having the stability that comes with a long-term extension. Since December of 2009, when we reauthorized it, the Congress has passed three short-term extensions—one for 2 months, one for 1 year, and one for 3 months. By lurching from one sunset to another, we run the risk that these intelligence authorities are going to expire. And here we are, once again, because they expire this Friday. I hope Members will think about that. I hope Members who want to produce an amendment will think about the following: if they expire, what if NSA and other agencies have to stop, what if they miss something, what if something happens? That is a responsibility that rests on the heads of everyone in these two bodies—both the House of Representatives and the Senate of the United States.

Even short of that, by providing one short-term extension after another—2 months here, 1 year there—we create significant uncertainty in the Intelligence Community as investigators are not sure whether these tools will continue to be available to them. I can tell you as one who tries to read the intelligence rather assiduously, we are not out of harm's way, and no one should believe that. People are plotting every day as to how they can send someone into the United States or convince someone in the United States to attack this country. The only thing we have to prevent this from happening is intelligence and an FBI that is now able to institute surveillance and tracking on possible targets in this country.

We have come, in my judgment, a long way since 9/11, but we cannot leave this country vulnerable. We must keep our guard up, and we must see that the intelligence mechanisms that are available to this country are able to be utilized.

This legislation now extends the use of these sunsetting authorities for 4 years, to June 1, 2015. In view of the times we are living in, I believe this is appropriate, it is keeping with past practice, and it is vital to the protection of the United States of America.

The PATRIOT Act was enacted in October 2001, and several provisions were up for review and reauthorization 4 years later in December of 2005. After some significant debate, some of the original PATRIOT Act provisions were made permanent and some were reauthorized for another 4 years until the end of 2009.

The lone-wolf authority that expires later this week was first enacted in the Intelligence Reform Act of 2004 and placed in the same sunset cycle as the roving wiretap and business records authorities. Under the model established in the PATRIOT Act and a subsequent reauthorization, a 4-year extension from the end of May 2011 to June 2015 is based on sound congressional practice.

These issues have been debated and re-debated and should be very familiar to Members, especially those on the Intelligence and Judiciary Committees.

I hope we are now going to act in the best interests of protecting the people of this country from another terrorist attack by passing this legislation so our intelligence professionals can continue to keep this Nation secure.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

ISRAEL

Mr. COATS. Mr. President, tomorrow morning, a joint meeting of Congress will welcome the Prime Minister of Israel, Benjamin Netanyahu. It will be the first time Mr. Netanyahu has addressed us in a joint meeting and only the second time any Israeli Prime Minister has addressed a joint meeting of Congress as its sole participant. It is a distinct and historic honor and an opportunity for us to hear again how crucial is the friendship between our two countries.

In anticipation of this event, I rise today to provide for the record a restatement of how I and I believe many—if not most—of my colleagues regard the State of Israel and America's relationship with that fellow democracy. This restatement is necessary, I believe, in light of the President's speech last week regarding the Arab spring. The President's remarks, which were delivered just before President Netanyahu's arrival in the United States, seriously muddied the waters of American policy toward Israel and its troubled region.

The Arab spring has sprung from new popular forces throughout the region, overthrowing regimes that have lost their relevance to the aspirations of their people and threatening to overthrow others.

The administration's response has been slow in coming, awkward and confused in efforts to explain its policies, inconsistent in its application from one part of the region to another, less than transparent in keeping Congress informed, and, worst of all, ineffective in its guidance and understanding of events.

The protests in the Middle East and northern Africa have justifiably stirred the emotions and aspirations of the Palestinian people as well. They also seek a homeland of their own—secure, stable, and living at peace with their neighbors. I agree this must be among our goals.

Some believe the groundswell of newly vibrant popular aspirations throughout the region and also among the Palestinian people is both an opportunity and a requirement for new, creative steps in the search for permanent peace. There may be an opportunity here that leads to progress if we and the parties to this long-lasting dispute make the right choices, if we seek the right ends, and if we pursue them with the right strategies. Unfortunately, the administration seems to misunderstand the nature of this opportunity. In a speech last week regarding the wave of startling events in the Middle East and north Africa, President Obama attempted to bring coherence and purpose to his administration's policy. Instead, the speech brought more confusion, potentially jeopardizing prospects for successful negotiations with Israel and the Palestinian Authority.

In my opinion, it was a serious mistake for the President to preemptively declare U.S. support for a Palestinian state based on the 1967 borders. President Obama's declaration that Israel must withdraw to the 1967 border lines is unprecedented and unwelcome. It is true that previous administrations have referred to the 1967 lines in the past as a reference point in the negotiations. It is also true that the Palestinians regard the 1967 lines as their beginning negotiating position. But even with the President's vague acknowledgment of the need for land swaps, no U.S. administration has previously adopted the Palestinian position as its official policy until now. How can this help restart negotiations or drive those negotiations toward a successful conclusion?

As Mr. Netanyahu made clear to the President in the Oval Office, a return to the 1967 lines is ''indefensible'' and ignores new realities on the ground. This position was formally recognized by President Bush in 2004 and must now be reconfirmed by any realistic assessment of what steps are possible and necessary. The object of negotiations is to reach a successful and durable conclusion. But ignoring core realities cannot possibly contribute to progress and almost certainly would make it more difficult to achieve the ends we all seek.

Another major concern I have following the President's speech is the reaction to the recent announcement by the Palestinians of a reconciliation agreement between the Fatah party of President Abbas and Hamas, the organization in charge in Gaza. This alleged reconciliation is likely a product of the Arab spring and the conviction the Palestinian people need to unite to pursue their common goals. This is understandable, and it would be acceptable if not for the character of one of the main factions to this reconciliation. Make no mistake about it, Hamas is a terrorist organization. This group denies Israel its right to exist, it fires thousands of rockets into Israeli territory and bemoans the death of bin Laden, one of its heroes.

If this announced reconciliation of these Palestinian groups actually occurs, the Palestinian Authority of President Abbas—to which the United States, by the way, provides considerable financial and humanitarian support—that administration, that group—that reconciliation will have President Abbas and that group dancing with the devil. It cannot, therefore, expect further support from us, nor can it expect support or understanding in any negotiations with Israel intending to create a Palestinian state. Indeed, we must not require or even encourage Israel to resume negotiations with an entity that includes terrorists. But how did the President address this in his speech? He did not mention the word ''terrorist'' or provide any solid indication that negotiations with Hamas would be impossible. He did not affirm that American assistance to Palestinians, including Hamas, would be off the table. He merely said that ''Palestinian leaders will have to provide a credible answer'' to these remaining questions.

The President also suggested in his speech that the Israelis and Palestinians should focus negotiations in a restarted peace process on the issues of borders and security, leaving the highly contentious issues of Jerusalem and refugees for later. This type of step-by-step negotiating has been rejected many times in the past, and for good reason. Land is Israel's main asset in negotiations. Even if it were possible to reach agreement on land and borders first, Israel would be left in a far weaker position to negotiate the subsequent matters. The refugee issue is perhaps the most difficult of all because acceptance of the Palestinian position would completely change the nature of Israel as a Jewish state. Indeed, it is a fundamental survival issue that cannot be addressed in isolation.

Finally, I am deeply concerned that the President's speech may be used by the Palestinians to support their campaign to bring a unilateral declaration of statehood from the United Nations General Assembly. A declaration of statehood to the U.N. is a dangerous step that would preempt any new negotiations and make sure sufficient efforts are stillborn. If this strategy succeeds at the U.N. General Assembly this September, it will bring serious legal, political, diplomatic, and practical negative consequences for both a real peace process and Israel itself. Let me restate that. If this strategy succeeds at the U.N. General Assembly in September, it will bring serious legal, political, diplomatic, and practical negative consequences for both a real peace process and for Israel itself.

The Palestinian Authority has already announced its intentions to challenge Israeli interests in U.N.-related bodies, including the International Court. This tactic contradicts Palestinian claims that it seeks to bring new energy to the peace process. Peace will come through realistic negotiations, not through unilateral preemptive action.

The President did say he opposes this Palestinian effort to isolate and delegitimize Israel at the U.N., and this was a welcome statement. But supporting a Palestinian state based on 1967 borders, speaking out against alleged reconciliation with the terrorist faction Hamas in only the most ambiguous terms, and promoting a policy that deprives Israel of its strongest negotiating advantage will only encourage the Palestinian Authority to pursue its U.N. strategy.

These confusing, inconsistent messages from the administration will not be enough to dissuade other U.N. member states from supporting the Palestinian maneuver. I fear the United States will then be forced to veto a resolution in the Security Council that our very own errors have helped bring about. Then we will find ourselves in a minority in the General Assembly and watch as the prospect of substantive negotiations become far more distant than before. Both we and our Israeli friends deserve better than this.

Mr. President, this is not a statement of support for Israel only. It is true that we are united with Israel by permanent bonds of history, values, shared strategic interests, culture, and religious heritage, but those bonds are also the principal reason we have for pursuing a peace that is durable and just for everyone in the region. That

peace will serve the Palestinian people just as much as Jewish Israel. A secure homeland of their own, at peace, will be the result of real negotiations based on shared understanding of what is possible. Americans, the people of Israel, and the Palestinian people all have a shared common heritage in prophetic religions. Hopefully, prayerfully, together we can aspire to a common purpose to bring enduring peace to the birthplace of that heritage.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Montana.

Mr. TESTER. Mr. President, today we have an opportunity to do away with a law that tramples on our constitutional rights, a law that invades the privacy of law-abiding Montanans and Americans, a law that deprives Americans of some of our most basic constitutional protections. This week, we are voting on whether to extend the USA PATRIOT Act 4 more years as is. There is a chance we may not have an opportunity to change it even though we know our freedoms have been compromised. That is a shame because without that possibility, we are not having the debate the American people deserve. If our only choice is to vote yes or no, I am going to vote no.

Long before I ever got to the Senate, the PATRIOT Act was sold to us as a toolbox of sorts to give U.S. agents the tools they need to find and fight and kill terrorists. But what we got from the PATRIOT Act was a law that is killing the rights guaranteed by our Constitution. It gives our government full authority to dig through our private records or tap our phones or make a case against us without even having a judge's warrant even if we are doing nothing wrong.

When we give up our rights, we give way to exactly what the terrorists wanted for us—fewer freedoms and invasion of privacy. It is not acceptable in Montana, and I am sure it is not acceptable anywhere else. More than 200 years ago, one of our Founders in this country warned us with this statement:

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

Words of wisdom from Benjamin Franklin.

Our Nation was founded on the principles of freedom and privacy and a government we control, and we got exactly the opposite with the PATRIOT Act.

Mr. President, here is a copy of the Constitution. It is a reminder of our rights as Americans, guaranteed by the fourth amendment:

> The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

The folks who wrote the PATRIOT Act were here in Washington long before I ever thought about running for the Senate, but you don't have to be a lawyer to know the PATRIOT Act flies in the face of the fourth amendment. It allows the government to conduct secret proceedings even when those proceedings don't need to be held in secret. If we allow that to happen, we toss government transparency and accountability out the window.

As we have seen over the past few weeks, our military forces and intelligence agents are the most effective in the world. They are the best because they have the most powerful tools in the world to do their jobs. They are better trained than anyone else, they are stronger and smarter, and they do what they do without needing to snoop around into the private lives of law-abiding Americans and Montanans, without having to dig up our medical records or our gun records or our library records or our Internet records.

The PATRIOT Act is bad policy that has put us on a very slippery slope. Our constitutional freedoms are too valuable to give even an inch of them away, especially when we don't need to.

Without the opportunity to make real changes to this bill, our only option is to say yes or no to extend this law 4 more years. If we do, an entire decade will have passed without the opportunity to make any adjustments. Not having the opportunity to amend the PATRIOT Act, I am going to vote against it in the name of freedom and privacy, and I urge all my colleagues to do the same because it is the responsible way to vote.

Mr. President, I yield the floor, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, we find ourselves again in the situation of extending key provisions of the PATRIOT Act. These three provisions are roving wiretaps, section 215 business record orders, and the lone wolf provisions. These are all very important tools used to investigate and prevent terrorist attacks. They have been reauthorized a number of times, but it seems that in recent years we have been discussing only very short term extensions of these critical tools.

That is why I will support the cloture motion on moving to S. 1038 today. This legislation provides a 4-year extension of the three expiring provisions without any substantive changes to the existing authorities, and I believe there do not need to be changes to existing authorities.

Regardless of my support for today's cloture vote, and support for the 4-year extension, I wish my colleagues to know that I support a permanent extension of the three expiring provisions. Having this debate year after year offers little certainty to agents utilizing these provisions to combat terrorism. It also leads to operational uncertainty, jeopardizes collection of critical intelligence, and could lead to compliance and reporting problems if the reauthorization occurs too close to the expiration of the law, and we are getting very close to that.

If we believe these tools are necessary—and I clearly stated I believe they are necessary—we need to provide some certainty as opposed to simply revisiting the law year after year. Given the indefinite threat we face from acts of terrorism, it is my view that we should permanently reauthorize these three expiring provisions.

This position is supported by agents on the ground using these tools every day. I have letters of support from the Federal Bureau of Investigation Agents Association supporting a permanent reauthorization of the three expiring provisions. The Federal Law Enforcement Officers Association also supports a permanent extension of the provisions. In fact, a very important passage of that letter states:

> Crimes and terrorism will not sunset and are still targeting our nation and American citizens. Just like handcuffs, the PATRIOT Act should be a permanent part of the law enforcement arsenal.

Then we have another letter from the Society of Former Special Agents of the FBI, and that letter says:

> We urge Congress to reauthorize the expiring provisions of the PATRIOT Act permanently and without restrictions as the three expiring provisions are essential to the security of our country.

I ask unanimous consent that these letters be printed in the RECORD.

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

FEDERAL BUREAU OF INVESTIGATION AGENTS ASSOCIATION,
Arlington, VA, April 4, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS: On behalf of the FBI Agents Association (''FBIAA''), I write to submit our views on the importance of permanently reauthorizing three provisions of the USA PATRIOT Act (''PATRIOT Act'') that are set to expire on May 28, 2011. The FBIAA is comprised of over 12,000 active duty and retired Agents nationwide and is the only professional association dedicated to advancing goals of FBI Agents. On their behalf, we urge the Senate to act now to permanently reauthorize these critical criminal investigation and counterterrorism tools without new restrictions.

We also respectfully request that the Senate limit its debate and consideration to the

expiring PATRIOT Act provisions. Introducing new issues at this time could unnecessarily impede progress toward reauthorizing these important national security provisions, potentially leading to their expiration. Given that there appears to be bipartisan and bicameral consensus for reauthorization of the provisions in their current form for some time, expiration is easily avoidable.

THE THREE EXPIRING PATRIOT ACT PROVISIONS SHOULD BE PERMANENTLY REAUTHORIZED WITHOUT NEW RESTRICTIONS

Since 9–11, federal law enforcement officers have effectively and properly used three tools provided for in the PATRIOT Act and related laws: the ''business records'' provision: the ''roving wiretap'' provision: and the ''lone wolf'' surveillance provision. These provisions were developed and adopted in response to the 9–11 terrorist attacks. Placing new restrictions and requirements on them now, after ten years of using and relying on these tools, is antithetical to our primary post–9–11 national security goal—giving federal law enforcement officers greater tools and more authority to detect and thwart terrorist attacks.

BUSINESS RECORDS

The ''business records'' provision, §215 of the PATRIOT Act, allows criminal investigators to apply to the U.S. Foreign Intelligence Surveillance Act Court (''FISA Court'') for an order requiring the production of business records related to foreign intelligence operations or an investigation of international terrorism. However, no such order can be issued if it concerns an investigation of a U.S. person based solely on that person's exercise of his or her First Amendment rights.

This provision is used in specific and rare circumstances. As described by the Congressional Research Service, the business records tool has bee used ''sparingly and never to acquire library, bookstores, medical or gun sale records.'' Despite infrequent use, the ability to access important bank and telephone records early in investigations is critical for criminal investigators, and leaders in the Department of Justice and FBI have called the business records provision a ''vital tool in the war on terror.''

Given that the provision has been used carefully and effectively in investigations of terrorist threats, the FBIAA recommends that Congress reauthorize the provision on a permanent basis without new limitations on its use.

ROVING WIRETAPS

The ''roving wiretap'' provision, §206 of the PATRIOT Act, allows the FISA Court to issue wiretap orders that are not linked to specific phones or computers if the target of the surveillance has demonstrated an intent to evade surveillance.

The ability to obtain orders for roving wiretaps is absolutely essential to contemporary criminal and counterterrorism investigations because criminal networks have become technologically advanced and will often purchase and use many different mobile phones and computers in order to evade wiretap efforts. Law enforcement experts have described the roving wiretap provision as a ''very critical measure'' that has likely helped detect and prevent numerous terrorist plots, including the plots to bomb multiple synagogues in New York City.

The FBIAA urges Congress to permanently reauthorize the roving wiretap authority and not subjected it to further restrictions. The roving wiretap provision is already constrained by the requirements that the FISA Court find probable cause that the target intends to evade surveillance to issue a wiretap and that minimization procedures are followed regarding the collection, retention, and dissemination of information about U.S. persons. A failure to reauthorize the roving wiretap provision, or encumbering the provision with unnecessary restrictions, would jeopardize the utility of an important investigative tool and could, as Director Mueller has warned, open up a ''gap in the law that . . . sophisticated terrorists or spies could easily exploit.''

LONE WOLF SURVEILLANCE

The ''lone wolf'' provision, found in Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, allows the FISA Court to issue surveillance orders targeted at non-U.S. persons who engage in international terrorism or activities in preparation of terrorism. Prior to enactment of the lone wolf provision, the FISA Court could only issue surveillance orders if specific evidence linked the targeted person to a foreign power or entity. This meant that non-U.S. individuals acting alone could not be effectively investigated, even if evidence indicated that they were preparing to engage in international terrorism.

The FBIAA recommends that Congress permanently reauthorize the lone wolf provision because it is a necessary part of combating contemporary terrorist threats. Communication between individual terrorists and foreign governments and/or entities is often very scarce, precisely because these groups are seeking to evade detection by law enforcement. The lone wolf provision gives law enforcement an important tool to obtain the information necessary to ensure that threats are thwarted before terrorists can act on their plans. Congress should not allow this provision to expire, or place additional restrictions on the provision, as such actions could make it more difficult to investigate and prevent dangerous terrorist threats. Recent developments in the evolution of the threat of ''homegrown terrorism'' have only served to underscore the necessity of maintaining this provision under current law.

EFFORTS TO ADD NEW REQUIREMENTS TO THE EXPIRING PROVISIONS AND NATIONAL SECURITY LETTERS (NSLS) SHOULD BE REJECTED

The FBIAA is concerned that the muchneeded reauthorization of the expiring PATRIOT Act provisions may fall prey to a larger debate over NSLs and new limitations on the ways that these investigative tools can be used. We are aware that concerns about NSLs and PATRIOT Act provisions have been used by some to fuel skepticism about privacy protection. To be clear, Agents undergo extensive training regarding the use of these tools, and we are confident that Special Agents use them to help protect the public from terrorist and criminal threats.

Regardless of one's position on new restrictions, it is clear that including them in the reauthorization debate could make it almost impossible for Congress to act before May 28, 2011. Allowing these provisions to expire should not be an option. Terrorists will not wait patiently for Congress to re-adopt provisions like these before advancing their efforts to harm our country. Investigators should not have their hands tied when Congress could easily meet the reauthorization deadline in a bipartisan and bicameral fashion.

Moreover, Congress should not rush to codify limitations and new procedural requirements without carefully considering the implications of specific legislative language on national security matters and ongoing investigations. Simply including these changes in the reauthorization effort is inconsistent with a robust consideration process.

The FBIAA appreciates your leadership on these issues and consideration of these comments. We urge Congress to reauthorize the expiring provisions of the PATRIOT Act permanently and without new restrictions. FBI Agents work diligently to detect, investigate, and apprehend individuals and groups that are engaged in a constant and evolving effort to craft and execute plots against the United States and its citizens. The three expiring provisions are essential in our fight against terrorism.

Sincerely,

KONRAD MOTYKA,
President.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
March 2, 2011.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: As you know, the Federal Law Enforcement Officers Association (FLEOA) is the largest non-partisan, nonprofit law enforcement association and represents 26,000 federal law enforcement officers from 65 federal agencies. In light of tomorrow's scheduled Executive Business Meeting, we are writing to provide you with our views regarding reauthorization of the USA PATRIOT Act.

To date, many recently thwarted terrorist and criminal plots can be directly attributed to provisions within the USA PATRIOT ACT. The ACT offers federal law enforcement officers the tools to stay ahead of violent criminals and better protect the American citizenry from threats.

FLEOA sees this ACT as a crucial tool for law enforcement, and not something that should periodically expire. The work of federal law enforcement officers has only been enhanced by the USA PATRIOT ACT.

Provisions dealing with:

1) Online Surveillance
2) Roving Wiretaps and Pen Resisters
3) Issuance of John Doe Warrants
4) Accessing financial records and documents
5) Records related to books and magazine purchases
6) Issuance of National Security Letters

In light of today's threats, the provisions listed above are tools that help thwart terrorists and criminals that use identity theft, the internet, cellular and satellite phones, phishing schemes, social networking and wire transfers to effect their crimes.

FLEOA has the distinct honor of representing the interests of law enforcement officers from the Department of Justice, Department of Homeland Security, Department of State, Department of Defense, Department of Treasury, and a host of other agencies. These officers are the front-line guardians that protect our nation from terrorist and criminal threats.

They are the ones that have used the provisions in the USA PATRIOT ACT to keep Americans safe under the microscope of strict agency and judicial oversight that has yet to be cited as ''excessive'' by any investigation or Inspector General's office.

We would caution the Congress to be careful when trying to re-work any provisions that have already been in effect and have been effective.

Additionally, the short-term authorization is at odds with a Congress that in the aftermath of the September 11th, 2001 attacks asked ''Why didn't we know and connect the dots?''

The USA PATRIOT ACT removed some of the barriers in place that prevented us from ''connecting the dots'' and any retraction of

those provisions is in effect, ''re-building the wall.''

Crime and terrorism will not ''sunset'' and are still targeting our nation and American citizens. Just like handcuffs, this tool should be a permanent part of the law enforcement arsenal and arguments to the contrary are flawed and do not recognize the reality that the ACT has worked.

In this nation, law enforcement is guided by an ethos to act ''beyond reproach'' and Office of Inspector General's offices ensure that is the case.

FLEOA greatly appreciates Congress' willingness to continue this important national security tool and would caution you not to put it ''back behind the wall'' and is willing to work with Congress as any proposed legislation moves through it.

Respectfully yours,

J. ADLER,
National President.

SOCIETY OF FORMER SPECIAL AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION, INC.,
Dumfries, VA, April 14, 2011.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the 8000 members of the Society of Former Special Agents of the Federal Bureau of Investigation, Inc. (Society), I am writing to inform you of our views on the importance of permanently reauthorizing the three provisions of the USA Patriot Act that are going to expire on May 28, 2011.

The Society was established in 1937 as a fraternal, educational, and community-minded organization to preserve the FBI heritage in a spirit of friendship, loyalty, and goodwill. As former and current Special Agents of the FBI, our members are experienced in conducting sensitive criminal and terrorism investigations and are concerned that any changes to the Patriot Act that would make it more difficult for the FBI to fulfill its vital mission of protecting our great country.

In addition, the Society is concerned with the introduction of new issues that could impede progress in reauthorizing these important national security provisions. In view of the bipartisan consensus for the reauthorization of these provisions, we hope that their expiration can be avoided.

Since the September 11, 2001 terrorist attacks, Federal law enforcement agencies have effectively utilized three sections of the Patriot Act, namely: the business records provision, the roving wiretap provision and the lone wolf surveillance provision. These sections of the Patriot Act were adopted in direct response to the September 11th attacks and to place new restrictions and requirements on these sections of the Act would be detrimental to Federal law enforcement efforts to detect and prevent future terrorist attacks.

The business records provision, Section 215 of the Patriot Act, allows investigators to apply to the U.S. Foreign Intelligence Surveillance Court (FISA Court) for an order requiring the production of business records related to foreign intelligence operations or investigations of international terrorism. This provision is utilized in specific and rare circumstances. However, despite the infrequent use of the provision, the ability to access important records early in an investigation is critical. The Society strongly encourages Congress to reauthorize this provision on a permanent basis without limitations.

The roving wiretap provision, Section 206 of the Patriot Act, allows the FISA Court to issue wiretap authorizations that are not linked to specific telephones or computers if the subject of the surveillance demonstrates an intent to evade the surveillance. It is absolutely essential to provide this ability to investigators due to the advanced technology employed by criminal and terrorism networks and conspirators. The failure to reauthorize this provision of the Patriot Act or encumber the provision with restrictions would jeopardize the importance of this valuable investigative tool.

The lone wolf provision, Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, provides the FISA Court with the authority to approve surveillance of non-U.S. persons acting alone or not linked to a foreign entity who are engaged in international terrorism or activities in preparation of terrorist acts. The lone wolf provision provides law enforcement with an important tool to obtain necessary information to prevent dangerous terrorist acts from occurring. The Society strongly encourages Congress not to allow this provision to expire or place restrictions on the provision that would weaken this vital investigative tool.

The Society respects and appreciates your leadership on these important issues. As former and current Special Agents of the FBI, our members are very concerned with any changes to the Patriot Act that would make it more difficult for the FBI and other Federal law enforcement agencies to investigate terrorists and their threats to our nation. We urge Congress to reauthorize the expiring provisions of the Patriot Act permanently and without restrictions as the three expiring provisions are essential to the security of our country.

Sincerely,

LESTER A. DAVIS,
President.

Mr. GRASSLEY. Mr. President, in addition to agents on the ground, we have heard strong support for extending the expiring provisions of the PATRIOT Act from members of the Bush and Obama administrations. We have heard testimony from the Director of the FBI, the Attorney General, and the Director of National Intelligence about the strong need to reauthorize these provisions. These same offices have recommended extending the provisions regardless of political ideology as both Republican and Democratic administrations have backed the extensions.

The 4-year extension we are voting on today is a step in the right direction. Extending the three expiring provisions without any substantive amendment that would restrict or curtail the use of these tools is very important, given the recent actions that led to the death of Osama bin Laden. Now is not the time to place new restrictions and heighten evidentiary standards on critical national security tools.

A lot has been said about these provisions and, unfortunately, most of what has been said is incorrect. Congress enacted these provisions and reauthorized them in 2005 following the 9/11 Commission Report, which criticized the way our agents failed to piece together clues; in other words, to connect the dots. Since that time, the three expiring provisions have provided a great deal of information to agents who have helped thwart terrorist attacks.

Let's be very basic. What is terrorism about? It is about killing people living in Western Europe and North America. They don't like us, they want to kill us, and we have to prevent that. They can make continuous mistakes and not get their job done, but once the FBI makes a mistake and lets one of them get away it is a victory for the opposition. We can't afford a failure.

Examples along the lines that we can't have these failures: In testimony before the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, Robert Litt, the general counsel of the Office of the Director of National Intelligence, testified that a section 215 order was used as part of the investigation by the FBI into Khalid Aldawasare, who was arrested in Texas recently. It was later revealed in a criminal case that he was purchasing explosive chemicals and bombmaking components online and had scouted targets in Texas.

Mr. Litt also testified that section 215 orders were utilized to obtain hotel records in the case where a suspected spy had arranged lodging for intelligence officers. He also discussed the roving wiretap provision and how it is used to help agents track foreign agents operating inside the United States who switch cellular phones frequently to avoid being caught. These examples are limited not because the authorities aren't valuable, but because of how sensitive the investigations are that utilize these authorities.

While the need for keeping personal and national security matters classified may prevent the open discussion of further examples in this setting—on the floor of the Senate—it is important to note that these provisions are constantly under strict scrutiny by the inspector general at the Department of Justice and by congressional oversight. In fact, in a March 2008 report, the Justice Department inspector general examined the FBI's use of section 215 orders and found: ''We did not identify any illegal use of section 215 authority.'' Further, there are no reported abuses of the roving surveillance authority, and the lone wolf provision has not yet been utilized, so it is without abuse as well.

While I agree these three provisions should be subject to strict scrutiny from inspectors general and Congress, that oversight authority already exists in the law and does not require amendments to these tools to achieve the goal of oversight. As such, it is important that Congress reauthorize these provisions quickly and without amendment.

I urge my colleagues to vote in support of the cloture motion on the motion to proceed to S. 1038 because it provides a clean reauthorization of these very vital tools for 4 years without substantive changes. In other words, if it ain't broke, don't fix it. While 4 years is a far cry from the permanence that I believe is necessary on these provisions, it does provide more certainty and predictability than continuing to pass short-term extension after extension.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, there has been a lot of discussion of the PATRIOT Act, and we are told basically that we wouldn't be able to capture these terrorists if we didn't give up some of our liberties, if we didn't give up some of the fourth amendment and allow it to be easier for the police to come into our homes. We were so frightened after 9/11 that we readily gave up these freedoms.

We said: Well, the fourth amendment is not that important. We will just let the government look at all of our records, and we will make it easier for the government to look at our records.

The question we have to ask, though, is whether we would still be able to catch terrorists by using the fourth amendment as it was intended and having the protections of the fourth amendment. What we have to ask ourselves is, think about the worst person in our communities. Think about someone accused of murder or rape or a pedophile. We think of these people, and do we know what happens if someone is accused of that? Even if it is 3 o'clock in the morning and they want to get their records or they want to go into their houses, they call a judge. This is something very important. They get the warrants almost all the time. But it is one step of protection. What we have is the protection where we don't have police officers writing warrants to come into our houses. They have to have it reviewed by a judge.

What we have done through the PATRIOT Act is taken away some of the protections of the fourth amendment. The fourth amendment says we need to name the person and the place to be searched. We have taken away those protections. The fourth amendment says we need to have probable cause. We have taken that away and made it to, if it is relevant, or we think they might be related to it.

Originally, the FISA Court lowered the standards somewhat on the fourth amendment, but it recognized that it was lowering the standard and was careful. We had secret courts set up, and the FISA Court was the court that dealt with things that had to do with national security or terrorism or intelligence. The information was kept secret so we didn't let everybody in the world know the name, but the name had to be divulged to the judges. Well, those who argue that we have to have the PATRIOT Act, or we have to do this or we will not be able to stop terrorism, they need to explain why the FISA Court did tens of thousands of search warrants and never turned any down. In fact, the history before the PATRIOT Act was no search warrant had ever been turned down.

So do we want to give up our liberties in exchange for more security? Franklin said those who give up their liberty in exchange for security may end up with neither.

Right now, if someone has a Visa bill that is over $5,000 and chooses to pay for it over the phone, which is a wire transfer, the government is probably looking at their Visa bill. They don't have to show probable cause, and they don't have to have a judge's warrant. This does apply to U.S. citizens. Often they will tell us: Oh, it is only foreign terrorists we are looking at. They want us to feel good about allowing them to spy. But this spying is going on by the tens of thousands and even by the millions.

With regard to these suspicious activity reports, we have done over 4 million of them in the last 10 years. We are now doing over 1 million a year. These suspicious activity reports, all the trigger is—it doesn't have to have anything to do with terrorism. The trigger is just that someone has over $5,000 that they have transferred by bank account.

We say, well, the courts have decided our bank records aren't private. Well, the hell they aren't. They should be private. If someone looks at my Visa records, they can tell whether I go to the doctor and what kind of doctor I go to. They can conceivably tell what kind of medication I am on. They can tell what kind of magazines I read. They can tell what kind of books I order from Amazon. Do we want a government that looks at our Visa bill? Do we want a government that looks at all of our records and is finding out what our reading habits are?

One of the provisions applies to library records. Do we really want the government to go and find out what we are reading at the library?

We now have a President who is wanting to know where a person has contributed before they do work for the government. Do we really want that kind of all-encompassing government that is looking at every record from top to bottom and invading our privacy?

There is another aspect of these so-called national security letters. These are basically warrants that are written by FBI agents. No judge reviews them. This is specifically what James Otis was worried about when he talked about general warrants that weren't specifying the person or the place and that were written by police officers. This is a problem because this is—we depend on the checks and balances in our society. We never want to give all of the authority to either one group of Congress or to the President or to police or judges. We have checks and balances to try to prevent abuse.

Some have said, well, if one has nothing to hide, why do you care? The thing is, it will not always be angels who are in charge of government. We have rules because we want to prevent the day that may occur when we get somebody who takes over our government through elected office or otherwise who is intent on using the tools of government to pry into our affairs, to snoop on what we are doing, to punish us for our political or religious beliefs. That is what we don't ever want: to let the law become so expansive.

We have to realize we can still get terrorists. We get rapists and murderers every day by calling a judge.

That is what I am asking for. I am asking that we go through and obey the fourth amendment. Many conservatives have argued that, well, they love the second amendment. Some liberals say, well, they love and will protect the first amendment. Do you know what. If we do not protect the entire bill of rights, we are not going to have any of it. If we want to protect our right to own a gun, we need to protect our gun records from the government looking at our gun records and finding out whether we have been buying a gun at a gun show.

We need to protect our privacy. If we want to protect the first amendment, we have to have the fourth amendment. In fact, we specifically had to go back there. The original PATRIOT Act said we could not even consult with our attorneys. We could not even tell our attorneys. We were gagged from telling our attorneys.

Even now, though, one may say: I do not know if they have investigated me. Do you know why? Because they tell our phone company, if they are looking at our phone records right now or our Visa records, it is against the law for Visa or the phone company to tell us that. It is hundreds of thousands of dollars of fines and jail time. It is 5 years in jail if our phone company tells us they have been spying on us.

Some of this does not even require a letter from government. Some of it is done by the banks. The suspicious activity reports, we have simply told the bank: Here, anybody who deals in cash, anybody who has over a $5,000 wire transfer or who deals in large amounts of money—it is incumbent upon the bank to spy on their customers now.

This is a real problem, and I think we need to have some argument and debate in our country over these things. Some want to have these things permanently. They want to permanently give up their fourth amendment protections, and I disagree strongly. Not only would I let these expire, but I think we should sunset the entire PATRIOT Act and protect our liberties as intended by our Founding Fathers.

James Otis was an attorney in Boston, and he wrote about these things they called, in those days, writs of assistance. These were general warrants. The king would write them—or actually they were written by soldiers here. They did not name the person to be searched or the place, and they were used as a way to have the king have his way with the people and to bully the people.

The idea of general warrants is what sorely offended our Founding Fathers. That is why we got the fourth amendment. The fourth amendment was a product of a decade or more of James Otis arguing cases against the British Government.

But the question we have to ask ourselves when thinking about these issues is, is it so simple that we can just say: Well, I am either against terrorism or I am going to let terrorists run wild and take over the country. One can be opposed to terrorists. We can go after terrorists. We can go after murderers and rapists and people who commit crimes. But we can do it with a process that protects the innocent.

I think so far they say we have looked at 28 million electronic records. We have looked at 1,600,000 text messages. We have 800,000 hours of audio. We have so much audio they do not even listen to it all. Twenty-five percent of what they have recorded of our phone conversations is not listened to because they do not even have time to listen to it.

My point would be that we are eavesdropping on so many people it could be we are missing out and not targeting. Just like at airports—every one of us is being searched in the airport. We are not terrorists, and we are no threat to our country. Why are we not looking for people who would attack us and spending time on those people? Why do we not go to a judge and say: This person we suspect of dealing with this terrorist group. Will you give us a warrant?

Why don't we have those steps? Instead, we are mining and going through millions of records. I think we are overwhelmed with the records that we may well be doing less of a good job with terrorism because we are looking at everyone's records.

The bottom line is, I do not want to live in a country where we give up our freedoms, our privacy. I do not want to live in a country that loses its constitutional protections of us as individuals. We do have a right to privacy. We have a right not to have the government reading our Visa bills every month. We do have rights, and we should protect them. We should not be so fearful that we say: Well, I am a good person. I don't care, just look at my records. If we do, we are setting ourselves up for a day when there will be a tyranny, when there will be a despot who comes into power in the United States and who uses those rules for which we said: Oh, well, I don't have anything to hide.

What happens when someone takes over who believes one's religion is to be combatted, who believes one's political beliefs and literature should be combated? What happens when that day comes?

We cannot give up our liberty. If we do, if we give up our liberty and we trade it for security, we will have neither.

So I rise in opposition to the cloture motion. I will be offering amendments to the PATRIOT Act this week, and we will be having a real debate about how we can stop terrorism but also preserve freedom at the same time.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of invoking cloture on the motion to proceed to S. 1038, the PATRIOT Sunsets Extension Act of 2011.

In 4 days, on May 27, three FISA provisions—the lone wolf, roving wiretap, and section 215 business records authorities—will expire unless Congress acts to reauthorize them.

The House has been working on a bill, H.R. 1800, that would make the lone wolf provision permanent and extend the other two provisions until December 2017. Senators FEINSTEIN and LEAHY have sponsored bills that would, among other things, extend all three provisions until December 2013.

It seems to me that S. 1038, with its extension of the three sunsets until June 1, 2015, is a reasonable compromise. Although I believe each one of these tools should be made permanent, this bill will ensure that our intelligence professionals have the tools they need to keep our Nation safe.

There is little disagreement that these provisions should and must be reauthorized. FBI Director Robert Mueller has testified repeatedly that each one of these provisions is important to both national security as well as criminal investigations. But their importance does not end there. Because of enhanced information-sharing rules and procedures other parts of the intelligence community, such as the National Counterterrorism Center and the National Counterproliferation Center, often depend on the information collected under these provisions. Losing or changing these authorities could adversely impact the intelligence community's ability to analyze and share important national intelligence information.

According to Director Mueller, with all the new technology, it is easy for a terrorist target to buy four or five cell phones, use them in quick succession, and then dump them to avoid being intercepted. He has testified that the ability to track terrorists when they do this is ''tremendously important.'' I could not agree more because it is pretty obvious those guys are up to something, and it is not good. Our enemies often know our own laws better than we do. They understand the hoops and hurdles the government must clear to catch up to or stay ahead of them.

Keep in mind the FBI cannot use a roving wiretap until a court finds probable cause to believe the target is an agent of a foreign power. Some critics claim the provision allows the FBI to avoid meeting probable cause as surveillance moves from phone to phone. This claim is simply not accurate, as every roving wiretap must be approved by a FISA Court judge.

If a target changes their cell phone and the FBI moves to surveil the new phone, the court is notified of that change. All of the protections for U.S. person information that apply to any other FISA wiretap also apply to roving wiretaps.

In short, while this authority is a tremendous asset for the FBI and has been used 140 times over the past 5 years, it poses no additional civil liberties concerns, and it should be renewed without delay.

With regard to section 215, the Business Records Act, over the past several years the rallying cry against the PATRIOT Act has centered on section 215 FISA business records authority. Section 215 allows the FBI to seek FISA Court authority to obtain business records, such as hotel information or travel records. As with each one of the expiring provisions, the FBI must meet the statutory standard of proof.

The inspector general from the Department of Justice conducted several audits of the FBI's use of section 215 orders and found no abuses of the authority. Director Mueller testified that the business records sought by the FBI in terrorism investigations are ''absolutely essential to identifying other persons who may be involved in terrorist activities.''

The lone wolf provision: The sole expiring provision under the PATRIOT Act that has not been used by the FBI, prompting some critics to demand its repeal, is the lone wolf definition of an agent of a foreign power. Recent events have demonstrated that self-radicalizing individuals with no clear affiliation to existing terrorist groups are a growing threat to national security. The lone wolf provision provides a counter to that threat, at least in the cases of a non-U.S. person who is not readily identifiable with a particular foreign power.

The lone wolf provision is a necessary tool that will only need to be used in limited circumstances. It is kind of like those ''in case of emergency break glass'' boxes that cover certain fire alarms and equipment. While we may not use it too much, we will certainly wish we had it when the right situation comes up.

In conclusion, I am grateful for the leadership of Senators REID and MCCONNELL on this crucial piece of legislation. This bill will ensure that our intelligence and law enforcement professionals can continue doing what they do best, without any additional restrictions.

Our Nation has been fortunate to have not suffered a sequel to the 9/11 attacks, and much of the credit goes to the dedicated work of our intelligence and law enforcement professionals. We owe them not only our thanks but the recognition that their jobs are as difficult as it is, and we should not be taking any steps that will make their responsibility to protect this country any more difficult.

Mr. President, I urge a vote in support of invoking cloture on the motion to proceed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1038, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

Harry Reid, Dianne Feinstein, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Richard Blumenthal, Mark R. Warner, Sheldon Whitehouse, Benjamin L. Cardin, Kay R. Hagan, Kent Conrad, Charles E. Schumer, Joe Manchin III, Sherrod Brown, Mark L. Pryor, Jeanne Shaheen, Joseph I. Lieberman, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorist Prevention Act of 2004 until June 1, 2015, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mr. PRYOR), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. BENNET) and the Senator from Illinois (Mr. DURBIN) would each vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BLUNT), the Senator from Massachusetts (Mr. BROWN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. LEE), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Alabama (Mr. SHELBY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted ''yea,'' and the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 8, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—74

Akaka	Grassley	Menendez
Ayotte	Hagan	Mikulski
Barrasso	Harkin	Moran
Bingaman	Hatch	Murray
Blumenthal	Hoeven	Nelson (NE)
Boozman	Hutchison	Nelson (FL)
Boxer	Inouye	Portman
Burr	Isakson	Reed
Cantwell	Johanns	Reid
Cardin	Johnson (SD)	Roberts
Carper	Johnson (WI)	Rockefeller
Casey	Kerry	Schumer
Chambliss	Kirk	Sessions
Coats	Klobuchar	Shaheen
Coburn	Kohl	Snowe
Collins	Kyl	Stabenow
Conrad	Landrieu	Thune
Coons	Lautenberg	Toomey
Cornyn	Leahy	Udall (CO)
Crapo	Levin	Udall (NM)
DeMint	Lieberman	Warner
Enzi	Lugar	Webb
Feinstein	Manchin	Wicker
Franken	McCain	Wyden
Gillibrand	McConnell	

NAYS—8

Baucus	Merkley	Sanders
Begich	Murkowski	Tester
Heller	Paul	

NOT VOTING—18

Alexander	Corker	Pryor
Bennet	Durbin	Risch
Blunt	Graham	Rubio
Brown (MA)	Inhofe	Shelby
Brown (OH)	Lee	Vitter
Cochran	McCaskill	Whitehouse

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I ask the RECORD show that had I been present for vote No. 75, I would have voted ''yea'' on the motion to invoke cloture on the motion to proceed to S. 1038. I unfortunately missed the vote after being unavoidably detained due to mechanical issues with U.S. Airways flight No. 2039.

Mr. BENNET. Mr. President, I unfortunately experienced a travel delay on my way back to Washington this evening and was unable to make tonight's procedural vote on whether to reauthorize a portion of the PATRIOT Act. My plane was late, and the Senate had to close the vote at 6 to ensure that 30 hours of postcloture time expires by midnight tomorrow night. Keeping to this schedule is important since three provisions of the USA PATRIOT Act are scheduled to expire later this week.

Had I been present, I would have voted ''yea.'' I would thus ask to let the RECORD reflect that I would have voted ''yea'' on Recorded Vote No. 75.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent to speak as if in morning business.

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

DEBT CEILING

Mr. JOHNSON of Wisconsin. Mr. President, I come to the Senate floor for the second time because I am highly concerned.

For the last 31 years, I have been running a manufacturing business in Oshkosh, WI. During all of that time, I have been a very careful observer about what has been happening here in Washington. I have been watching how broken and unworkable our government has become. I have been here now for 4½ months. Nothing I have seen has changed my mind. Our political process here in Washington is broken.

So here is my specific concern: There seems to be a growing assumption in this town that eventually—probably at the very last minute—some kind of grand bargain is going to be struck and we will actually increase the debt ceiling limit. That would be great. It will be absolutely great if that would happen—if the administration would get serious and work with Republicans to actually address the serious fiscal issues that face this Nation. But I am not so sure we can count on that.

The fact is the Democrat-controlled Senate has not passed a budget for 754 days. I don't believe we need any further evidence that our budget process in this Chamber is broken. So, in my mind, not raising the debt ceiling is a very real possibility. I am afraid this administration is totally ignoring that possibility. It appears it has absolutely no plan B. It has no contingency plan.

As I mentioned, I have been running a business for the last 31 years. When you run a business, things often do not go according to plan. Every day, millions of American businessmen and businesswomen try to anticipate the problems on the horizon. They develop contingency plans in case those problems arise. That is what responsible leaders do. Government should be no different.

But instead of being responsible, this administration seems to be making a concerted effort to scare the American public and scare the markets in a very transparent attempt to force Republicans in Congress to increase the debt ceiling without enacting the structural budget and spending reforms we need to make to prevent this Nation from going bankrupt. Instead of scaring the markets, the administration should be seeking to calm the markets by developing a contingency plan just in case

the debt ceiling is not increased in time. That would be the prudent thing to do. That would be the responsible thing to do.

So, today, I am calling on President Obama to begin planning ahead so that failure to raise the debt ceiling does not immediately turn into a totally unnecessary crisis.

Mr. President, I yield the floor.

MORNING BUSINESS

WOMEN VETERANS

Ms. MIKULSKI. Mr. President, I want to take this opportunity to salute the women who have served in the U.S. Armed Forces and honor the sacrifices they have made for our country.

Long before they were welcomed as members of the military, women played an important role in supporting our troops. Since the American Revolution, women have tended to the wounded and provided care to our soldiers. In the early 20th century, women answered the ultimate call to duty and began to serve proudly in our Armed Forces.

These early women veterans were trailblazers, creating new opportunities for the women that follow in their footsteps. They gave all that they could to protect and defend our country, often without the same recognition given to their male counterparts. Today, women serve at all levels of the armed services as combat pilots, medical care professionals, engineers, and police officers.

There are over 1.8 million women veterans in the United States and the role of women in the armed services continues to grow. Over 212,000 women have served actively in Iraq and Afghanistan. More than 120 women soldiers have sacrificed their lives and many more have been wounded. These women have played an integral role in our military's success, working closely with ground combat troops.

Women have been and continue to be a vital part of the military. Their bravery and patriotism is without question. Their contributions demand recognition. We must pay tribute to those women veterans who answered the call to defend America.

On behalf of myself, and speaking for the thousands of women who have benefited from their example, I would like to recognize and thank the women who have served our country, proudly and with honor.

FOR-PROFIT EDUCATION COMPANIES

Mr. HARKIN. Mr. President, during my floor speech last Thursday on for-profit education, I neglected to insert a letter into the RECORD. I ask unanimous consent that the following letter from Apollo Education Group be printed in the RECORD.

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

APOLLO GROUP, INC. STATEMENT FOR THE RECORD

Apollo Group, Inc. respectfully submits this response to the statement delivered today by Senator Tom Harkin on the issue of military educational benefits.

During this statement, Senator Harkin cited a complaint submitted by a student at the University of Phoenix in April 2009. As part of the U.S. Senate Committee on Health, Education, Labor and Pension's investigation into for-profit higher education, Apollo Group voluntarily produced this complaint and the documents relating to its resolution, along with tens of thousands of pages of additional documents on a wide range of subjects. Apollo Group remains committed to cooperating with the Committee's investigation.

University of Phoenix is the largest private university in North America, serving a current population of over 400,000 students. As with any institution of higher learning, the University receives complaints from its students. It takes those complaints very seriously and works hard to investigate and address students' concerns in a timely, efficient, and appropriate manner. The University's Office of Dispute Resolution administers an industry-leading dispute resolution process to investigate and resolve complaints like the one referenced by Senator Harkin.

Notwithstanding the charges cited by Senator Harkin, it is important to consider the facts of this particular complaint and how it was investigated and resolved by the Office of Dispute Resolution. Specifically, the documents reveal that this student was dissatisfied because he or she did not receive a degree one year after enrollment. After diligent inquiry, the Office determined that the student's grievance stemmed from the University's denial of the student's request to waive certain curriculum requirements based on credits received from another institution fourteen (14) years earlier. That denial was based on a determination that those prior credits were outdated and not equivalent to the credits required as part of the applicable curriculum at the University. The Office did not find any evidence that the student had been promised that he or she would complete the degree program within one year, as the student alleged. Further investigation has determined that the student did complete the degree program at the University, based on educational coursework that met current academic standards, and received a degree within a year after filing the complaint and within two years of entering University of Phoenix.

Senator Harkin pointed out that the student who filed this complaint is a veteran who attended University of Phoenix on the GI Bill. The University is committed to serving the needs of its military and veteran students and believes that it provides an accessible and flexible option for this segment of its student population. The University has long served military students, resulting in its recognition as a military friendly school by GI Jobs, civilianjobs.com, and, most recently, Military Advanced Education in their Third Annual Guide to America's Top Military-Friendly Colleges and Universities.

University of Phoenix's service of military students is driven by its mission to provide access to higher education for historically underserved populations. The University takes this mission extremely seriously and strives continually to improve the experience and opportunities for the many thousands of students who have put their trust in it. The University's industry-leading dispute resolution process is a critical component of its efforts in this regard and demonstrates the University's commitment to the needs and concerns of its student body.

TRIBUTE TO HAL DAVID

Mr. LEAHY. Mr. President, I would like to take a moment to congratulate Hal David on his upcoming 90th birthday. Hal is a pioneer in the music industry and a world class lyricist, having composed some of the most enduring songs in American popular music. Marcelle and I spend many wonderful evenings with him and so enjoy hearing his stories of not only his song writing, but others.

Hal was born on May 25, 1921, in Brooklyn, NY, and was the son of two immigrants. He served in the U.S. Army Entertainment Section in the Central Pacific during World War II with Carl Reiner and Werner Klemperer. The dedication to his country and the entertainment he provided for the men serving will never be forgotten.

Hal's musical writing career took off with his first hit record ''The Four Winds and the Seven Seas.'' His legendary collaboration with composer Burt Bacharach began in 1957 with the Marty Robbins hit ''The Story of My Life'' and included other hits such as ''Magic Moments'' and ''What the World Needs Now is Love.'' Through this successful partnership, Hal and Burt Bacharach were nominated for four Academy Awards and won the Oscar for best song in the 1969 film ''Butch Cassidy and the Sundance Kid'' with ''Raindrops.''

Hal David also works on legislative efforts as a board member on the American Society of Composers, Authors, and Publishers, ASCAP, and led the battle against source licensing. During Hal's time as chairman and CEO of the Songwriters Hall of Fame, he helped launch the Songwriters Hall of Fame Gallery at the Grammy Museum in Los Angeles.

Hal's achievements have earned recognition on a local and international stage. He has been inducted into the Nashville Songwriters Hall of Fame and the Songwriter Hall of Fame, which honors the most popular songs from around the world. He was also the first non-British award recipient to receive the Recording Academy and Ivor Novello Award bestowed by the British Performing Rights Society. I commend him on his impressive lyricist career that has entertained countless Americans and citizens around the world. Hal David is a dedicated and talented lyricist and friend, and I am pleased to join in wishing him a happy 90th birthday and all the best in his future endeavors.

ADDITIONAL STATEMENTS

TRIBUTE TO REUBEN SALTERS

• Mr. CARPER. Mr. President, on behalf of Senator CHRIS COONS, Congressman JOHN CARNEY and myself, I pay