

hijackers on the flight headed for either the White House or the Capitol. That plane was overrun by the passengers who knew their plane was headed for disaster, and gave their lives to stop the hijackers. This one secondary interview prompted by two astute border inspectors in Orlando determined how many hijackers the passengers had to fight on Flight 93.

Press reports indicate that Boston bomber Tamarlan Tsarnaev was watchlisted, but because of a “downgrade” on the watchlist, he was not placed in a secondary interview when he returned from six months in Russia in 2011. If Tsarnaev had been interviewed, and even slightly questioned about where he had been and why, knowing he was already watchlisted, then he could well have been further interviewed by the FBI’s Joint Terrorism Task Force. Because the bill does not require basic checks, the bill will continue to allow terrorists and criminals to exploit weaknesses in our immigration system and use it to gain legal status.

Indeed, the bill specifically permits the Secretary to streamline applications for adjustment of status of those who were recipients of the administration’s DACA initiative. In fact, in the Justice Department’s brief recently filed in *Crane v. Napolitano*, in which ICE agents have sued DHS leadership over policies that they believe require them to violate the law and their oath, the Obama administration made clear that it believes it “inherently” has almost unbridled discretion in the matter of immigration enforcement. It even argued that the federal court has no jurisdiction to review or question DHS’s decisions. The court disagreed.

This bill surrenders to the executive branch’s overreach. In fact, many provisions inexplicably weaken the law with regard to future illegal immigration and we are going to talk more about that as this debate continues. If this bill is going to secure the border and end illegal immigration “once and for all” as its sponsors say it will, these provision that weaken law enforcement must be removed.

The American people rightly expect their government to enforce the laws enacted by Congress and keep its promises. But given this administration’s refusal to enforce the laws currently on the books, the American people have no reason to believe that the loopholes, waivers and discretion granted to the administration will not be used, as they are being used now, to reduce enforcement and public safety.

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

Mr. SESSIONS. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

NSA SURVEILLANCE PROGRAMS

Mr. COATS. Mr. President, I come to the floor today to discuss recent national security leaks by a former NSA contractor by the name of Edward

Snowden. His name is known now throughout the world. Some have praised Snowden as a hero and a whistleblower. I do not. Anyone who violates their sworn oath to not disclose classified information and then leaks national security documents that compromise our intelligence operations and harm our country’s ability to prevent future terrorist attacks should neither be called a hero nor a whistleblower. What Snowden has done borders on treason, and I believe he should be prosecuted to the fullest extent of the law.

Mr. President, it is no secret we have a serious trust deficit in this country with the Federal Government. I understand the concerns and the fears of my constituents and the American people relative to some of the things that have occurred here that lead them to question their trust in their elected officials or in their government.

There has been a series of scandals over the past several months, including but not limited to the IRS targeting conservative groups, the actions of Attorney General Eric Holder, and the ever-changing responses from this administration regarding the attacks on Americans in Benghazi. We still don’t have the full story, and the narrative keeps bouncing around with change after change after change. So I understand this distrust the American people have about anything that comes out of Washington, DC.

A lot of this is being fueled by mischaracterizations and misrepresentations in the media, grabbing onto whatever is said in the *Guardian*. Of course, the *Guardian* says, and people hear: This is what is happening to your country. This is what is happening with your government. They are violating your civil rights and violating your privacy. But none of us stand for that, nor will we stand for that. But in their rush to be the first to break the news of the NSA or other classified programs, to break it first online or on the air, the media has fueled this distrust of the American people by misrepresenting the facts.

Contrary to what some news reports and other sources have said, let me say this for the record: The government is not and cannot indiscriminately listen in on any Americans’ phone calls. It is not targeting the e-mails of innocent Americans. It is not indiscriminately collecting the content of their conversations. And it is not tracking the location of innocent Americans through cell towers or their cell phones.

There are civil liberties and privacy protections built into this program that are now being released in great detail, and it is important the American people understand those and know what they are. We have to understand this careful balancing act between protecting classified methods and sources to the detriment of losing that information, losing lives, identifying sources, and compromising programs,

and the need to reassure the American people we are following the law and following the constitutional right of Americans to privacy. All of this has to be put in the right context.

As a side note, let me just simply say, Mr. President, that it is ironic that a lot of American private companies seem to have more information about us than the government does. They may have a phone number, but many of the private companies know what we like to eat, where we shop, what we like to wear, what movies we order, where we like to vacation, and we are flooded with marketing attempts to use the information they have collected against us.

But that is not what the NSA is doing under these programs and the programs in question. These programs are in place solely for the purpose of detecting communications between terrorists who are operating outside of our country but communicating with operatives potentially within the United States.

The intelligence community neither has the time nor the inclination nor the authority to track people’s Internet activity or pry into their private lives. Even if someone is suspected, by the way, of a phone call match with a foreign terrorist and someone residing or living in America and suspected of having a link to terrorism, the government can go no further than the court to get an order to investigate any other information or material about them. And let’s not forget why these programs are there in the first place.

Following the tragic attacks on September 11, 2001, America realized it needed to greatly improve our intelligence efforts and communications among our agencies—we were facing a different kind of war. This wasn’t two States lining up against each other. This wasn’t addressing wars from the past. This was a whole new way that enemies were attacking Americans on our homeland. We needed to modernize our approach, and we needed to connect the dots before a terrorist attack occurred again at the level of 9/11 or others.

In fact, had these programs been available to NSA before that September date, I believe we could have identified some or all of the hijackers. When one of the September 11 hijackers called a contact in Yemen from San Diego, we could have identified them through this program. We could have prevented the terrorists from boarding those planes and blowing up the World Trade Center, striking the Pentagon, crashing into a field in Pennsylvania, and killing thousands of Americans.

These programs connect the dots and have successfully thwarted dozens of terrorist attacks. They are some of the most effective tools available to protect our country from terrorist organizations like al-Qaida.

That is why I find it so troubling and, frankly, irresponsible for the media and others to distort the nature of

these counterterrorism programs. These programs are legal, constitutional, and utilized only under the strict oversight of both parties and all three branches of government, including a highly scrutinized judicial process. In the end, these programs rely on the trust of the American people. And with that trust lacking today, I am asking my fellow Members of Congress, as well as the media, to fact-check first before mischaracterizing programs that save lives.

I believe we can—and we must—protect both security and liberty when it comes to counterterrorism efforts, and I believe these programs do just that.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF LUIS FELIPE RESTREPO TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOMINATION OF KENNETH JOHN GONZALES TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Luis Felipe Restrepo, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania and

Kenneth John Gonzales, of New Mexico, to be United States District Judge for the District of New Mexico.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided and controlled in the usual form.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I am pleased to rise today to strongly support the confirmation of Kenneth Gonzales for U.S. district judge for the District of New Mexico.

Mr. Gonzales is an exceptional nominee with an impressive range of legal experience and expertise. He was unanimously confirmed by the Senate as the U.S. attorney for the District of New Mexico in 2010. But he is more than just his resume, remarkable as it is. He is also an inspiring American story.

Mr. Gonzales grew up in the Pojoaque Valley in the northern part of our State. He was the first in his family to graduate from college. With the help of scholarships and grants, he received his

undergraduate and law degrees from the University of New Mexico, a school that I am proud to call my alma mater.

After graduating he was a law clerk to New Mexico Supreme Court Justice Joseph Baca, and he worked as a legislative assistant for Senator Jeff Bingaman.

He began his career as a Federal prosecutor in the U.S. Attorney's Office for the District of New Mexico in 1999, prosecuting a wide range of Federal offenses, including narcotics and violent crime cases. He holds the rank of major as a judge advocate in the U.S. Army Reserve, which he joined in September 2001. He has provided critical legal assistance to hundreds of active and retired soldiers and spouses, both here and overseas. In 2008 he was called to Active Duty as a part of Operation Enduring Freedom, where he was stationed at Fort Bragg and served as a senior trial counsel.

Mr. Gonzales has been an exemplary U.S. attorney for the District of New Mexico. He oversees a broad array of criminal and civil cases.

I would also like to note that he has made Indian Country a priority in the U.S. Attorney's Office, making a real difference in prosecuting cases of violence against native women and children.

Not surprisingly, his advice and counsel are highly valued. He serves on the Attorney General's Advisory Committees on Native American Issues, on the Southwest Border and Immigration Issues, on the Environmental and Natural Resources Working Group, and is a member of the Tenth Circuit Advisory Council.

He is also a member of the New Mexico Hispanic Bar Association. If confirmed, he will join only 58 other Hispanic active district court judges—less than 10 percent of the country's 677 district court judgeships.

Mr. Gonzales is esteemed for his diverse experience, for his even temperament, and for his integrity. From a young man dreaming of going to college, to his life in public service, his story is one of great determination and commitment. He has shown a reverence for and dedication to the law throughout his career.

I urge his confirmation. I know Ken Gonzales will serve New Mexico well on the Federal bench.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I would like to take a few minutes to also speak about the nomination of Kenneth Gonzales to be a Federal district judge for the District of New Mexico.

Ken, as he is known back home to many of us, is truly a standout nominee. I wish I could take credit for his nomination, but that credit belongs to our former U.S. Senator Jeff Bingaman and to our senior Senator TOM UDALL. But I want to thank both of them for putting forward such a great candidate

for this position, and I am very pleased to be here today to support him.

Ken has a long and distinguished record of public service, including more than a decade of service in our military. Ken has served as the U.S. attorney for New Mexico since April 2010. His elevation to lead that office followed more than a decade of service there as an assistant U.S. attorney. I would like to highlight at least one of his many accomplishments that I find particularly important.

I think Ken's efforts as U.S. attorney demonstrate not only his character and his intellect but the dedication that he has to serving his home State and making it a better place for all our residents.

Much of New Mexico is Indian Country for which the U.S. attorney has the responsibility to prosecute criminal activity. Ken has taken the initiative to reorganize and focus the U.S. attorney's resources to more effectively combat the higher-than-average rates of violent crime, sexual assault, and sexual abuse that have plagued Indian Country.

This includes creating the first Indian Country Crime Section within any U.S. Attorney Office. This section includes a team of lawyers responsible for pursuing felony offenses on tribal lands. The office is also collaborating with tribal prosecutors to investigate and prosecute domestic violence in more than 20 pueblos and tribes located throughout the State of New Mexico.

This is just one example of Ken's work, but throughout his career Ken has shown a dedication to serving the people of New Mexico. It is the sum of all his efforts and accomplishments that make me believe he will make an outstanding addition to the Federal bench, and I am pleased that today we are at the final step toward getting him here.

The process for getting to the Federal bench is a long road to travel. The Judiciary Committee's leadership from both sides of the aisle takes seriously its responsibility to ensure that every nominee is fit to serve. I want to say a special thanks to Senator LEAHY and Senator GRASSLEY for working together and with Senator UDALL and myself to get Ken through this process.

As the vetting process surely showed, Ken has the knowledge, temperament, and integrity to serve on the Federal bench. I have no doubt that he will distinguish himself there, as he has throughout his entire legal career.

I strongly support his nomination, and I urge all of my colleagues to do the same.

Mr. President, I yield the floor.

• Mr. TOOMEY. Mr. President, I wish to offer my full support for the nomination of Judge Luis Felipe Restrepo to serve as U.S. District Judge for the Eastern District of Pennsylvania.

Before I begin, I wish to take this opportunity to thank Chairman LEAHY and Senator GRASSLEY for helping facilitate Judge Restrepo's confirmation