is the way things should happen around here.

I would hope we don't have these lines drawn in the sand and we can start being appropriators again. When I came here many years ago, I was so fortunate, only two freshmen were on the Appropriations Committee. I was on it and also Senator MIKULSKI.

I loved that committee all these years. It was so much fun.

It hasn't been much fun lately because we haven't had an Appropriations Committee that has been functioning decently. Senator MIKULSKI and Senator SHELBY are legislators. They wish to do legislation as the two managers of this bill do. I would hope we could move forward.

I have no problem with the Coburn amendments and Paul amendment. Let's vote on them and move on.

The time has come when we have to try to get it passed. The week is coming to a close. We have other nominations. We have to move to things when we get back. We know all the problems we have when we get back. I wish to do some more work on appropriations bills when we get back.

I ask unanimous consent the mandatory quorum required under rule XXII be waived.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the cloture motion be withdrawn and that at a time to be determined by the majority leader, notwithstanding rule XXII, in consultation with Senator MCCONNELL, the Senate proceed to executive session to consider the following nomination: Calendar No. 220; that there be 2 hours for debate equally divided between the proponents and opponents; that following the use or yielding back of time, the Senate proceed to vote, with no intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the Record; and that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Colorado is recognized.

ENDING BULK COLLECTION OF PHONE RECORDS

Mr. UDALL of Colorado. I welcome this opportunity to speak on the floor about the National Security Agency surveillance programs, their effectiveness, and their future.

I am proud to be joined by my colleague from Oregon, Senator WYDEN, who will comment as well after my remarks. He has been a stalwart leader on these issues, and it has been my honor to join forces with him and to draw attention to this very important discussion President Obama recently welcomed.

He called for a public debate on finding the right balance between national security and privacy in the context of NSA's surveillance programs.

His call is long overdue, and it is an opportunity we should not squander. As I have said time and time again to Coloradans and as they have said back to me as well, we owe it to the American people to have an open, transparent debate about the limits of the Federal Government's surveillance powers and how we reconcile the need to keep our families safe while still respecting our hard-won constitutional rights to privacy.

Although I would have preferred that this debate would have been kicked off by more transparent actions by the White House instead of by unauthorized leaks, we are nonetheless presented with a unique opportunity—an opportunity to finally have an open dialog about the limits of our government's surveillance powers, particularly those relating to the vast dragnet of Americans' phone records under section 215 of the PATRIOT Act.

This is a debate in which I feel privileged to take part. It is a debate that Senator WYDEN has been a part of since before I was elected to the Congress and one that I have been engaged in for a number of years now.

I want to be clear. I have acted in every possible way that I could within the confines of our rules that protect classified information to oppose these practices and bring them to light for the American people. I have fought against overly intrusive sections of the PATRIOT Act and the FISA Amendments Act and registered objections repeatedly with the administration. I believe these efforts are critical for protecting our privacy and also ensuring our national security.

I serve on both the Senate Armed Services Committee and the Senate Intelligence Committee, and in those assignments I focus every day on keeping Americans safe, at home and abroad. I recognize that we still live in a world where terrorism is a serious threat to our country, to our economy, and to American lives. Make no mistake, our government needs the appropriate surveillance and antiterrorism tools to combat the serious threats to our Nation. But it is up to the White House and Congress to ensure that these tools strike the right balance between keeping us safe and protecting our constitutional right to privacy. This is a balance I know we can achieve, but, in my view, the PATRIOT Act's bulk phone records collection program does not achieve that balance. That is why I am here on the Senate floor with my colleague Senator WYDEN to call for an end to the bulk phone records collection program, as we know it today.

Two years ago we were here on the Senate floor considering extending certain PATRIOT Act provisions. At that time I argued that the sweeping surveillance powers we were debating did not contain sufficient safeguards to preserve the privacy rights of Americans. In particular, I argued that the PATRIOT Act's business records provision—or section 215—permits the collection of records on law-abiding Americans who have no connection to terrorism or espionage. As I said at that time, we ought to be able to at least agree that an investigation under PATRIOT Act powers should have a terrorist- or espionage-related focus.

We all agree that the intelligence community needs effective tools to combat terrorism, but we must provide those tools in a way that also protects the constitutional freedoms of our people and that lives up to the standard of transparency our democracy demands. The Bill of Rights is the strongest document we have. Another way to put it: It is the biggest, baddest weapon we have. We need to stand with the Bill of Rights and in this case the Fourth Amendment.

Following Mr. Snowden's actions and the subsequent declassification of information concerning the NSA's surveillance programs, Americans in recent weeks are coming to understand what it means when section 215 of the PATRIOT Act says the government can obtain ''any tangible thing'' relevant to a national security investigation. That is the Foreign Intelligence Surveillance Court's way of saying that section 215 permits the collection of millions of Americans' phone records on a daily, ongoing basis. As a member of the Senate Intelligence Committee, I have repeatedly expressed concern that the FISA Court's secret interpretation of this provision of the PATRIOT Act is at odds with the plain meaning of the law. This secrecy has prevented Americans from understanding how this law is being implemented in their name.

In my view and the view of many Americans, this large-scale collection of information by the government has very significant privacy implications for all of us. What do I mean by that? Information about our phone calls—or, as it is known, ''metadata''—may sound pretty simple and innocuous, but I believe that when law-abiding Americans call up their friends, family, doctors, religious leaders, or anyone else, the information on whom they call, when they call, and where they call is private information and should be subject to strong privacy protections.

I have heard it said that the bulk phone records program collects nothing beyond what you could find in a phone book. But let's be clear about exactly what this program does. It collects the very personal details of our phone calls—the who, where, when, and how long—and stores them in a database. This doesn't just happen for those who are suspected of having some connection to terrorism; this program collects the phone records of literally millions of Americans. This is a far greater intrusion into our privacy than being voluntarily listed in the Yellow Pages, and it is the reason why I am calling on the White House and Congress to immediately reform this program.

Let me reiterate that it is absolutely possible to have both privacy and security. Yet, in the case of the bulk phone records collection program, Senator WYDEN and I believe we aren't getting enough of either. Not only does this program unreasonably intrude on Americans' privacy, but it also does so without achieving the alleged security gains. For instance, in recent weeks the intelligence community has made new assertions about the value of recently declassified NSA surveillance programs, but in doing so they have conflated two programs: section 702 of the Foreign Intelligence Surveillance Act regarding foreigners' Internet communications and section 215 of the PATRIOT Act regarding bulk phone records. It appears, however, that the bulk phone records collection program alone played little or no role in disrupting terrorist plots—I say this as someone who has been fully briefed on these terror-related events—nor has it been demonstrated that this program even provides any uniquely valuable intelligence. Therefore, saying, as the intelligence community has, that ''these programs'' together have disrupted ''dozens of potential terrorist plots'' is misleading.

While the intelligence community has been conflating these two programs, some of my colleagues in Congress in recent days have been going even further to say that the phone records program alone has been greatly successful. They have said it has saved lives and prevented dozens of terrorist plots. As someone who has been presented with the same information as my colleagues on the much-discussed 54 terror-related events, I have to say I disagree. Again, I have seen no evidence that the bulk phone records collection program alone has played a meaningful role, if any, in disrupting terrorist plots.

I have yet to see any convincing reason why agencies investigating terrorism cannot simply obtain information directly from phone companies using a regular court order. It may be more convenient for the NSA to collect phone records in bulk rather than asking phone companies to search for specific phone numbers, but convenience alone cannot justify the collection of the personal information of millions of innocent, ordinary, law-abiding Americans, especially when the same or more information can be obtained using less intrusive methods. A few hundred court orders per year would clearly not overwhelm the FISA Court, and the law already allows for emergency authorizations to get these records quickly in urgent circumstances.

Senator WYDEN and I are not alone in believing there is a more effective and less intrusive way to collect this information. Even before the nature of the bulk phone records collection program was declassified, there was support for narrowing the language of section 215 from many Members of Congress of both political parties. In fact, when the PATRIOT Act reauthorization passed the Senate in 2005 by unanimous consent, it included commonsense language that would have limited the government's ability to collect Americans' personal information unless there is a demonstrated link to terrorism or espionage. That language was designed to, among other things, protect our Fourth Amendment constitutional rights and put a check on government power. While that language did not make it into the final conference bill, it demonstrated that bipartisan agreement on reforms to section 215 is possible.

Let's fast forward to 2011, when the Senate again took up the extension of a number of expiring provisions of the PATRIOT Act. I offered an amendment drawn directly from language in the 2005 Senate-passed bill to narrow the application of this provision. That amendment, unfortunately, did not receive a vote. But this Congress I introduced bipartisan legislation with Senator WYDEN based on that same language and principles, and we are now joined by a strong bipartisan group of our colleagues from across the country and all along the political spectrum, including Senators DURBIN, MURKOWSKI, BEGICH, TOM UDALL, MERKLEY, LEE, and HEINRICH. Our bill will responsibly narrow the PATRIOT Act's section 215 collection authority to make it less intrusive on the privacy of law-abiding Americans. Our legislation would still allow law enforcement and intelligence agencies to use the PATRIOT Act to obtain a wide range of records in the course of terrorism- and espionage-related investigations, but it would require them to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities—which is not the case today.

This past week there was a strong bipartisan vote in the U.S. House of Representatives to curtail NSA's bulk phone records collection. Although the legislation didn't pass, the American people are demanding action and those who share our concerns are on the march. It is time to take action.

It is common sense that our law enforcement agencies should have reason to suspect a connection between the records they are seeking and a terrorism or espionage investigation before using these broad authorities to collect the private information of Americans. If the government can use these powers to collect information on people who have no connection to terrorism, then where does it end? Is there no amount of information that our government can collect that would be off limits? What is next—our medical records?

We must be able to put in place reasonable measures that allow our law enforcement agencies to pursue enemies who would try to harm us, while protecting our rights as Americans.

That is why I believe if an investigation cannot assert some nexus to terrorism or espionage, then the Government should keep its hands off the phone records of law-abiding Americans. These are the kinds of reasonable, commonsense limits on the Government's powers that Coloradoans tell me are necessary to keep us safe while also respecting our privacy.

That takes me back to the statement I made at the outset. I believe it is time to end the bulk collection program as we know it. Tonight I am calling on the White House to begin to make the administrative changes to end the bulk collection of Americans' phone records and to conduct the program instead through direct queries to phone companies where there is a connection to terrorism or espionage. Under this targeted approach, our Government would retain its broad authorities to investigate terrorism while ordinary Americans will be protected from overly intrusive surveillance activities.

Congress should support the administration's move in this direction by passing our legislation to end bulk collection. Passage of our bipartisan bill would prevent unwarranted future breaches of Americans' privacy rights and focus on the real threats to our national security.

Taking into account the serious privacy concerns raised by the bulk collection program, the lack of demonstrated unique value of the program, and our ability through direct queries to the phone companies to collect the data in the same but less intrusive way, I believe the administration—I hope the administration will see the value in working with Congress to end the bulk collection of phone records conducted under the PATRIOT Act's section 215 authorities. I pledge to work with the administration and all of my colleagues to see this through.

Let me end on this note. We need to strike a better balance between protecting our country against the threat of terrorism and defending our constitutional rights. The bulk records collection program as we know it today does not meet this balance test, and that is why I believe it must end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves the floor, I want to tell

Senator UDALL how much I have appreciated having him in that intelligence room, because he has been a strong advocate for making sure our country can have security and liberty in those classified meetings, just as he has done tonight. It is great to have him on the committee and to have him as a partner in these efforts.

He is so right when he stated tonight that this is a debate that should have begun long ago. It is a debate that should have been started by elected officials and not by a government contractor. I very much appreciate the Senator's remarks. I think he made it clear that we are going to stay at this until we get it fixed, and I very much appreciate his leadership.

As Senator UDALL has made clear, these issues are about as important as it gets. When you are talking about how you can secure these bedrock American values—security and liberty—this is right at the heart of what Americans care about most. For too long, my view is the American people have essentially been presented with false choices. Americans have been told they can have one or the other: They can have security or they can have liberty, but they cannot have both. Suffice it to say, in the last 8 weeks, as this debate has evolved, I think Americans have come to understand that this set of false choices is not what this debate is all about, and they deserve better.

As this debate has unfolded, whether you are in a lunchroom at work or a senior citizens center or you are looking at a political opinion poll, the polls have changed something like 20 points just in the last few weeks, with Americans saying, particularly, that the bulk phone records collection program is an intrusion on the rights of law-abiding Americans. Whether it is what citizens say at townhall meetings or what they say in the company lunchroom or in senior citizens centers, Americans have come to understand that these false choices are not what the discussion is all about. Americans have come to figure it out.

Frankly, a big part of the problem in the past—and I documented it last week—is leaders in the intelligence community have made misleading statements, repeatedly. It is not just a question of keeping the American people in the dark—which was true—but the American people were actively misled on a number of occasions.

Senator UDALL and I have been walking everyone through that. The bulk phone records collection program is often compared to a grand jury subpoena approach. That is about as farfetched as it gets. Even national security lawyers have made fun of that kind of argument in publications such as the Wall Street Journal.

Very often when I talk to lawyers—the distinguished Presiding Officer is, of course, a particularly illustrious lawyer and has taught in the field. I often say when I am visiting with lawyers, or I ask for a show of hands: Does anybody know of a grand jury subpoena where you can have the bulk collection of millions of phone records of law-abiding Americans? Come on up to me and tell me after the meeting is over.

I do not exactly get swarmed. The reason is there are not any.

One of the reasons I wanted to touch on these misleading statements is that, just in the last few days—Senator UDALL touched on this—there has been an effort to commingle the two programs. One of them is called the FISA 702 Program, the PRISM Program, which targets foreigners and has useful value. We have made that clear. It can be improved. I came to that conclusion when I was finally able to get declassified a finding from the FISA Court that on at least one occasion the Fourth Amendment had been violated in connection with the use of the 702 Program. But even with that, I am of the view that provides useful value.

But what a number of the leaders of the intelligence community have done is essentially commingled their advocacy of these programs so that 702 and the bulk collection program essentially ride together, when in reality, 702—which Senator UDALL and I have supported—I think we can improve it with these privacy reforms—in effect, 702 does all the work. The bulk collection program, which does intrude on the rights of millions of law-abiding Americans, is essentially along for the ride. But you would not know that when you hear these statements from a number of the leaders in the intelligence community, when they just say ''these programs,'' of course, are what keeps us safe.

In addition, I thought it was important to briefly start this evening by mentioning that over the last few days there have been a number of comments about whether the PATRIOT Act has violated the rights of Americans with respect to this bulk collection program. A number of commentators and others have said: ''Where are the violations? I haven't seen any violations.''

The Director of National Intelligence said last Friday, in a letter to you and me and Senator UDALL and 23 other of our colleagues: Yes, there have been violations of the PATRIOT Act—when he said specifically that the Government had violated court orders on the bulk collection of those phone records.

I am not allowed to discuss the classified nature of that, but I want to make sure those who are following this debate know that from my vantage point, reading those documents that are classified, these violations are more serious than have been stated by the intelligence community, and in my view that is very troubling. So I do hope Senators will go to the Intelligence Committee and ask to see those classified documents because I think when they read them—I think they will come to the conclusion to which I have come that, not only is what was stated by the Director of National Intelligence in that letter that was sent to you and me and Senator UDALL and 23 other Senators—not only was that correct, but I think Senators who read those classified documents will also come to the conclusion that the violations are more serious than they thought—than the intelligence community portrayed.

Let me, if I might, talk a little bit more about why we spent several years examining this bulk phone records program. First, I think it is important for citizens to know that the ability to conduct this secret surveillance that lays bare the personal lives of millions of law-abiding Americans, coupled with the ability to conjure up these legal theories as to why this is acceptable, and then have such limited oversight through this one-sided adversarial FISA Court, in my view, is an opportunity for unprecedented control over the private lives of Americans. That is why Senator UDALL and I have spent all this time focused on this issue.

I thought also tonight, and having done this before, I will provide a little more history as to how we got to this particular place. When I came to the Senate early on I had a chance to work with a number of colleagues who saw the extent of these problems—early on. One of them was our former colleague, Senator Russ Feingold.

Senator Feingold saw the problems that the PATRIOT Act posed before they were apparent to many Senators. He and his staff took the responsibility to protect both American security and American liberties very seriously. In 2007, the two of us came to understand that the PATRIOT Act was being secretly interpreted to justify the bulk collection of Americans' records, and we made it clear that we thought, first of all, that was something very different from what Americans thought was going on.

We thought it was very different, for example, from the plain reading of section 215 of the PATRIOT Act, and we thought that the language of the PATRIOT Act had been stretched beyond recognition because the language in the PATRIOT Act spoke to relevance and a sense that it was relevant to suspected terror activity, rather than something that created this enormous leap from what was in the statute that called for relevance to collecting millions and millions of records on law-abiding people.

So Senator Feingold and I dutifully set about to write classified letters to senior officials urging them to make their official interpretation of the PATRIOT Act public. We said at the time that for intelligence activities to be sustainable and effective, they have to be based on publicly understood laws and be consistent with Americans' understanding of their own privacy rights. This, in our view, was clearly not the case with the bulk records collection because, of course, the government's official interpretation of the

PATRIOT Act was a tightly guarded secret.

Back then in those early days we were rebuffed when we made repeated requests that the intelligence community inform the public what the government had secretly decided the law actually meant. In fact, there was a secret court opinion that authorized massive dragnet domestic surveillance, and the American people, by that point, were essentially in the dark about what their government was doing with respect to interpreting an important law.

In 2009, as the expiration of the date for the PATRIOT Act approached, Senator Feingold and I began to caution our colleagues and the public that our people were not getting the full story about the PATRIOT Act. At that time, we'd had the good fortune of having our colleague, Senator DURBIN, on the committee, and we all wrote public letters. We authored various articles. We wrote editorial pages for the newspapers and made statements for the CONGRESSIONAL RECORD. We raised issues about this to the extent we could at public hearings. But, of course, the Senate rules regarding the protection of classified information limited what we could say.

One point I have tried to make clear is the intelligence rules—the classification rules don't let a member of the committee tap the truth out in Morse Code. We have to comply with the rules, and they are very laborious. If we don't comply with the rules, we cannot serve on the Intelligence Committee and be a watchdog for some of these efforts that we think goes right to the heart of protecting American security and American liberty.

So we decided—a small group of us who shared these views—if we wanted to have the opportunity to play that watchdog rule, we needed to work within the rules. So we did everything we could—recognizing that we can't tap out classified information in Morse Code—to alert the public about what was going on.

After a series of short-term extensions, the PATRIOT Act came up for a long-term reauthorization in the spring of 2011. By that time, Senator Feingold had been replaced on the committee by Senator UDALL. He, as my colleagues know, shares these concerns about the bulk collection of phone records on millions of law-abiding Americans, and we are lucky he has been a prominent leader in the cause of protecting, security, and liberty.

During the 2011 reauthorization, Senator UDALL and I spoke to colleagues. We invited colleagues to secure settings so we could lay out what was actually happening, and many of those colleagues joined us on the floor to oppose the extension of the PATRIOT Act for 4 more years.

During that debate, I came to the floor and said:

When the American people find out how their government has secretly interpreted the PATRIOT Act, they will be stunned and they will be angry.

That week the Senate voted to extend the PATRIOT Act until 2015, but those of us who opposed the extension continued the fight in the months that followed.

At that time the NSA was also conducting a bulk e-mail records program in addition to the bulk phone records program that is ongoing today. Senator UDALL and I were concerned about this program's impact on our liberties and our privacy rights, and back in the Intelligence Committee, we spent a big chunk of 2011 pressing intelligence officials to provide evidence of its effectiveness. It turned out that the intelligence community was unable to provide any such evidence. Intelligence agencies have made statements to both Congress and the Foreign Intelligence Surveillance Court that—they had significantly exaggerated the effectiveness of the bulk e-mail program. When Senator UDALL and I pressed them to back up these statements, they couldn't do it. The bulk e-mail records program was shut down that year.

Our experience with the bulk e-mail records program showed us that the Intelligence Agency's assessments about the usefulness of a number of these particular programs, even big ones, are not always accurate. Now, that doesn't mean that intelligence officials were deliberately lying. In a number of instances—as far as I could tell—they believed their claims that the bulk e-mail surveillance program was effective, even though it was actually close to worthless. This was an important reminder that even if intelligence officials are well intentioned, they can be dead wrong, and that any policymaker who simply defers to intelligence officials' conclusions without asking to see their evidence is making a mistake.

As we looked at that evidence, Senator UDALL and I found that the claims about the effectiveness of the bulk phone records program also did not seem well supported by the facts. So in March of 2012, we wrote to the Attorney General expressly with this concern. In our letter we said:

In recent months we have grown increasingly skeptical about the actual value of [this] ''intelligence collection operation.''

And we added:

This has come as a surprise to us, as we were initially inclined to take the executive branch's assertions about the importance of this ''operation'' at face value.

The Department of Justice, unfortunately, decided not to respond to our letter, but we continued our efforts to educate the public and to call out senior officials from intelligence agencies and the Department of Justice as they repeatedly made misleading statements about domestic surveillance.

In June of this year, disclosures by the Washington Post and the Guardian newspaper revealed the fact of bulk collection to the American people. This sparked the debate that is now ongoing about whether offering up the personal records of ordinary Americans is the best way to protect our security and our liberty. This debate—as I indicated when Senator UDALL was on the floor—should have started a long time ago, but I am sure glad it is finally happening now.

The fact is that Americans' phone records can reveal a lot of private information. If you know, for example, that somebody called a psychiatrist three times in a week and twice after midnight, you know a lot about that person. If you are vacuuming up information on whom Americans call, when they call, and how long they talked, you are collecting an astounding amount of information about a huge number of law-abiding Americans.

The intelligence agencies try to emphasize that they have rules about who can look at these bulk phone records and when. There has been a lot said on cable by the talking heads on TV, and I want to emphasize, none of these rules require the NSA to go back to a court to look at Americans' phone records. None of these rules erase the privacy impact of scooping up all of these records in the first place. On top of that, as I indicated in the beginning, there have been a number of serious violations of those rules.

The Senators who got the letter last Friday know that, and I want to tell all the other Senators on both sides of the aisle that the violations—as I have touched on tonight—were a lot more serious than the public has been told. I believe the American people deserve to know more details about these violations that were described last Friday by Director Clapper.

I am going to keep pressing to make more of these details public. It is my view that the information about the details of the violations of the court orders with respect to the bulk phone record collection program—the admission that the court orders have been violated—has not been, I think, fully fleshed out by the intelligence community. I think a considerable amount of additional information can be offered without in any way compromising our national security.

If the impact on America's liberties wasn't bad enough, it is made even worse by the fact that this program—when we asked and asked—does not seem to have any unique value. I will explain briefly what it means.

Mr. President, I ask unanimous consent for 7 additional minutes.

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

Mr. WYDEN. Mr. President, I will see if I can beat the clock because I know colleagues are waiting. In fact, Senator BALDWIN has been a great advocate for liberties and showing that liberty and security are compatible, both when she was a Member of the other body and here when she was part of our group, and I thank her for it.

Intelligence officials can only point to two cases where this program—the

bulk phone records collection program—actually provided useful information about an individual involved in terrorist activity. In both of these cases, the government had all the information it needed to go to the phone company and get an individual court order and emergency authorization for the phone records they needed.

In both of these cases, the individuals who were identified using these phone records were arrested months or years after they were first identified, but if government agents believed that the situation was urgent, they could have used emergency authorizations to obtain their phone records more quickly. I am glad both of these cases resolved the way they did. I am proud that our intelligence agencies and law enforcement individuals were able to identify and arrest those who were involved in terrorist acts.

In one case four men in California were arrested for sending money to a militant group in Somalia. In the other case they arrested a co-conspirator of Mr. Zazi a few months after Zazi's plot was disrupted. These men committed serious crimes. They are now being punished with the full weight of the justice system.

What I don't see, however, is any evidence that the U.S. Government needed to operate a giant domestic phone records surveillance program in order to catch these individuals. I have seen no evidence—none—that this dragnet phone records program has provided any actual unique value for the American people. In every instance in which the NSA has searched through these bulk phone records, it had enough evidence to get a court order for the information it was searching for.

Getting a few hundred additional court orders every year would clearly not overwhelm the Foreign Intelligence Surveillance Court. The intelligence agencies may argue that collecting Americans' phone records in bulk is more convenient than getting individual court orders, but convenience alone does not justify the massive intrusion on the privacy of ordinary Americans. I believe it is vitally important to protect the safety and liberty of our people. I don't see any evidence that this program helps protect either. That ought to be the standard of any domestic surveillance program. If the bulk collection program doesn't protect privacy or security, then it ought to end—plain and simple.

The executive branch simply has not shown anything close to an adequate justification for this massive dragnet surveillance that has compromised the civil liberties of millions of Americans. I am not sure they ever could, but I am confident that I have not seen it as yet.

Now, let me close by way of saying that over the last few weeks we have seen extraordinary support for reform. Last week over 200 Members of the other body voted to end the bulk phone records collection program, and a number of the Members who voted against ending it at that time made it clear they have serious concerns they want to address. So there are going to be more votes. Make no mistake about it, there are going to be more votes on whether to end the bulk collection of phone records on law-abiding Americans in the 113th Congress. And there are going to be efforts to reform how the entire U.S. surveillance system works.

One of the most important reforms will be to make the significant rulings of the Foreign Intelligence Surveillance Court public, which is a goal I have been pursuing for several years.

Additionally, I believe Congress needs to reform the process for arguing cases before the court. Right now the government lawyers walk in with an argument for why the government should be allowed to do something, and there is no one to argue the other side. That is not unusual if the court is considering a routine warrant request, but it is very unusual when a court is doing major legal or constitutional analysis.

I believe Congress needs to create a way to advocate for the public—a public advocate to argue cases before the court, because making this court more transparent and more adversarial is a way to ensure that Americans can have security and liberty. Of course, the relevant provisions of the PATRIOT Act itself will be expiring in 2015. I don't think there is any reason for the administration to wait for Congress to act.

The executive branch can take action right now. They can and should continue to obtain the records of anyone suspected of connections to terror or other nefarious activity, and at the same time they can restore protections for Americans' Fourth Amendment rights. I am very interested in working with the administration on these issues, but they can move of their own volition.

One way or another, we are going to stay at this until, at this unique time in our constitutional history, we have revised our surveillance laws so we can have security and liberty. Colleagues are coming to this cause. Senator BLUMENTHAL has particularly recommended a number of constructive FISA Court changes over the last few months. I hope colleagues will support that, and I hope they will see this unique time in our history when it is critically important that these surveillance laws that I and Senator UDALL have talked about tonight can be reformed and we do it so as to protect the bedrock of American values, both security and liberty.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I and Senator BLUMENTHAL from Connecticut and Senator BALDWIN from Wisconsin and, if he is able to join us, Senator MURPHY from Connecticut be allowed to engage in a colloquy.

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

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, my colleagues and I have come to the floor to talk about an issue that is at the heart of the discussion of our national debt and deficit; that is, health care spending.

These days around Washington, there is a regular refrain echoing through the hallways: In order to fix our deficit, we must cut Medicare and Medicaid benefits. That is wrong. That idea is, according to the former CEO of Kaiser Permanente—somebody who knows a little something about health care—and I will quote him:

> . . . so wrong it's almost criminal. It's an inept way of thinking about health care.

I could not agree more.

It was put this way by Froma Harrop, who is a columnist for my hometown paper, the Providence Journal. I will quote her: ''The dagger pointed at America's economic viability hasn't been the existence of government programs like Medicare, it's been the relentless rise in health care costs that plagues not only Medicare and Medicaid, but everyone who uses health care.''

Attacking Medicare and Medicaid ignores the fact that our health care spending problem is systemwide and not just unique to Federal programs. Our colleague Senator ANGUS KING has used the colorful metaphor that to go after Medicare and Medicaid when the problem is our health care system would be like attacking Brazil after Pearl Harbor—wrong target. It ignores the fact that we operate a widely inefficient health care system: 18 percent of our GDP compared to only 12 percent for our least efficient international competitors.

So how can we continue to stem the rise in costs and improve our wildly inefficient health care system?

Thankfully, many of the tools necessary to drive down costs have an interesting collateral benefit. They actually improve the quality of care for patients. The Affordable Care Act included 45 different provisions dedicated to redesigning how health care is delivered for the benefit of patients and taxpayers. These reforms support and encourage an ongoing delivery system reform movement—and there truly is a movement out there—driven by dedicated providers, payers, employers, and even some States that have worked for years to improve the quality and the safety and the effectiveness of health care.

We are not discussing hypothetical improvements. We are not discussing theoretical cost savings. Today I am joined on the floor by colleagues who have seen how delivery system innovators in their States have achieved real improvements to quality, real improvements in patient outcomes, and real cost savings. In Congress, we can't get over yesterday's