

This is the type of innovation and creativity taking place in Maryland. I can name dozens more small innovative companies working in biosciences, life sciences, and cyber security areas.

At Brain Scope they started with two employees. They now have over 20. This is a common story. These are good-paying jobs created here in Maryland, in the United States of America.

Lions Brothers in Owings Mills, MD. If you have ever seen a uniform with emblems on it, it was most likely done at Lions Brothers. They have figured out a way in which they can produce this product—which is used not only for sports gear, but the U.S. Government for uniforms, Boy Scouts, Girl Scouts.

What is common in each of these companies? They are innovators. They find creative ways to create and expand markets. They are creating more jobs, and they are creating good-paying jobs.

We could name every State in this country where we have seen this creativity. We have duplicated this throughout our country. But the message is clear: Our country can take off, but we have to give predictability to our businesses. That is why the work being done in the conference committee on the budget is so important. We can't go through another manufactured crisis, another shutdown, another threatened default on our debt, the continuation of sequestration. It needs to end. We need to have a budget which allows for the type of government partnership for that type of economic growth—the basic research, the educated workforce, the modern roads and infrastructure and energy systems. That is what we need to have so the companies I mentioned can continue to lead the world in innovation, creativity, and creating the jobs we need—the good-paying jobs in America.

If we act, I am confident America will compete and win the global competition. “Made in Maryland” has been a huge success and has been duplicated all over our country. Let us act and get our work done so we truly can make it in America.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELLER. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

TRIBUTE TO MICHAEL LANDSBERRY

Mr. HELLER. Madam President, I rise today to address the public revelations regarding classified government surveillance programs. But before I do so, I would like to take a moment to honor Mike Landsberry, who died a hero's death in Sparks, NV, last week.

After spotting a student with a gun at Sparks Middle School, Mr.

Landsberry moved directly in harm's way to protect his students and others from danger. He was fatally shot.

Mr. Landsberry was an Alabama native, a graduate of McQueen High School in Sparks, a University of Nevada-Reno graduate, and a decorated master sergeant Nevada Guard airman.

To his students, he was a coach, a teacher, and also a mentor. To his community, Mr. Landsberry was a patriot, a father, and a friend. Master Sergeant Landsberry leaves behind a legacy of self-sacrifice and service to his country and community. He will continue to be remembered as a great and honorable man and a father.

USA FREEDOM ACT

Mr. HELLER. I would also like to briefly discuss current National Security Agency practices, including its bulk data collection programs and the implication these programs have for the privacy of Nevadans and millions of other law-abiding citizens.

Due to published reports in newspapers around the world, Nevadans are well aware that the Federal Government has been collecting phone data of law-abiding citizens without their knowledge through a process known as bulk collection. These practices are mostly authorized by section 215 of the PATRIOT Act.

Specifically, section 215 permits the FBI to seek a court order directing a business to turn over certain records when there are reasonable grounds to believe the information sought is relevant to an authorized investigation of international terrorism.

“Relevance” has been found by the courts to be a broad standard that, in effect, allows large volumes of data to be collected. These same records can be combed through in order to identify smaller amounts of information that are relevant to an ongoing investigation. In other words, it has been established that section 215 allows for massive amounts of data to be collected in order to find the tiny amount of data that would solve an investigation regarding international terrorism. The court's reasoning that this is permitted is because, when submitted, it is likely that the data will produce information that will then help the FBI.

Millions of Americans' call records are collected and stored by the NSA because a few numbers may solve an authorized investigation. Supporters of bulk collection practices have defended this program as an important tool in the fight against terror. They have said this is a mechanism to access the logs quickly, and they are not actually listening to the content.

President Obama even said:

When it comes to telephone calls, nobody is listening to your telephone call. Instead, the government was just sifting through this so-called metadata.

The President is correct. They are not listening to the actual calls like the FBI conducting a wiretap, but let

me outline that the government can figure out what is going on from those call logs.

For example, they will know that an American citizen in Ely, NV, received a call from the local NRA office and then called their Representative and Senators. But they claim that the content of that call remains safe from government intrusion or they will also know that a Nevadan from Las Vegas called a suicide prevention hotline and spoke to an individual for 12 minutes, but they will not know what that person discussed.

The question I have is this: Why does the Federal Government have to house this data? I believe it is because Congress has authorized a massive surrender of our constituents' privacy.

I want to be clear: I share the concerns of all Americans that we must protect ourselves against threats to the homeland. I also believe we must continue to understand that terrorism is very real and that the United States is the target of those looking to undermine the freedoms we hold as a core of our national identity. Are we sacrificing our own freedoms in the process? Are we sacrificing our constitutional rights that are afforded under the Fourth Amendment? If so, this is a steep price to pay to protect Americans from terrorism.

So the next question must be: If the price to protect Americans from terrorism is an incredible loss of individual privacy, what are the results of this program?

What has the bulk collection program provided in tangible results that justifies a privacy intrusion of this level?

The answer is that two cases have been solved in the collection of millions of records through the use of the program authorized by section 215. We know that because on October 2, 2013, the chairman of the Senate Judiciary Committee, Senator LEAHY, asked the NSA Director Keith Alexander the following question:

At our last hearing, the deputy director, Mr. Ingliss, stated that there's only really one example of a case where, but for the use of Section 215, both phone records collection, terrorist activity was stopped. Was Mr. Ingliss right?

To which Director Alexander responded, “He's right. I believe he said two, Chairman.”

Congress has authorized the collection of millions of law-abiding citizens' telephone metadata for years, and it has only solved two ongoing FBI investigations. Of those two investigations, the NSA has publicly identified one. In fact, that case would have easily been handled by obtaining a warrant and going to that telephone company. The case involved an individual in San Diego who was convicted of sending \$8,500 to Somalia in support of al-Shabaab, the terrorist organization claiming responsibility for the Kenyan mall attack. The American phone records allowed the NSA to determine

that a U.S. phone was used to contact an individual associated with this terrorist organization.

I am appreciative that the NSA was able to apprehend this individual, but it does not provide overwhelming evidence that this program is necessary. As Senator RON WYDEN from Oregon noted, the NSA could have gotten a court order to get the phone records in question.

In essence, Congress has authorized a program that invades the privacy of millions of Americans with little to show for it. The results simply do not justify this massive invasion of our privacy, and that is why I want to end bulk collection practices authorized under section 215 of the PATRIOT Act.

I joined Senator LEAHY to introduce the bipartisan, bicameral USA Freedom Act. This legislation, among other things, will rein in the dragnet collection of data by the National Security Agency. It will stop the bulk collection of Americans' communication records by ending the authorization provided by section 215 of the PATRIOT Act.

Some in this Chamber will argue this removes a massive tool for the NSA to assist the FBI. I disagree with that. All this legislation does is shut down the collection of millions of Americans' metadata by the NSA. If the FBI needs a telephone number, they can go to a FISA judge and get a warrant. The phone company can still provide that data. Chances are a major phone provider will have that data as they keep all detailed records for at least 1 year.

When talking broadly about how certain technological developments should be incorporated in our justice system, Associate Justice of the Supreme Court William Douglas once said:

The privacy and dignity of our citizens are being whittled away by sometimes imperceptible steps. Taken individually, each step may be of little consequence. But when viewed as a whole, there begins to emerge a society quite unlike any we have seen—a society in which government may intrude into the secret regions of a person's life.

Here in the Congress it is our responsibility to take great care to acknowledge each possible step that could whittle away our privacy. We must examine its necessity carefully and reasonably. In this case, I do not believe such practices are warranted.

We can continue to protect Americans from threats of terrorism without infringing on individual privacy that the Constitution protects under the Fourth Amendment. We should shut down bulk collection practices.

With that, I thank the Chair, 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.

The PRESIDING OFFICER (Mr. MARKEY). The minority leader.

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

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

OBAMACARE

Mr. MCCONNELL. Mr. President, I recently received a disturbing note from a constituent in Burlington, KY. Unfortunately, I suspect a lot of my colleagues have been receiving notes just like it.

This gentleman said that after receiving several letters from his insurer, it became clear to him that the President was being misleading when he said if you like the plan you have—if you like the plan you have—you can keep it. That is because he found out his policy, which came into effect just 2 months after the law's arbitrary cutoff date for grandfather plans, will be discontinued next year. He is not happy about this at all, especially given the fact that a plan on the ObamaCare exchanges will dramatically drive up his insurance costs, from \$400 a month to more than \$700 a month, with zero subsidies available.

Here is what he had to say:

My wife and I are 54. We don't need maternity care and we don't need ObamaCare.

He is right to be upset. This is simply not in keeping with the spirit of the President's oft repeated promise.

Perhaps the administration would like to tell him he should have just done a better job of keeping up with its regulatory dictates. But what about the millions who purchased their plans relying on the President's promise that they could keep them? What about the husbands and wives across Kentucky who suffered when two of our largest employers had to drop spousal coverage? What about the folks who lost coverage at work? What about all the smaller paychecks and lost jobs? What about the part-timeization of our economy?

This law is a mess. It is a mess. As Secretary Sebelius said herself yesterday: "The system is not functioning."

Maybe she was referring to no more than the narrow problems with healthcare.gov. But as the President keeps reminding us over and over, ObamaCare is about more than just a Web site. He is right about that. That is why, if the system is not functioning, it is just another sign that ObamaCare itself is simply not working. The President and his Washington Democratic allies understand this. That is why the White House is so eager to enroll everybody—other than themselves—into the exchanges. It is why they handed out a yearlong delay to businesses, and that is why the Washington Democrats' Big Labor allies are looking for their own special carve-outs.

What about everybody else? What about the middle class? Where is their carve-out? So far, Washington Democrats have resisted every attempt to exempt the struggling constituents whom we all represent.

The folks who rammed this partisan bill through know it is not ready for

prime time, and they seem to want no part of it themselves. But for you out there, the middle class, it seems to be tough luck—tough luck.

We have even seen some of the same folks try to stamp out innovations that would help folks get out from under some of ObamaCare's more crushing burdens. That is why they have launched a crusade against small businesses that dare to experiment with self-insurance and other pioneering ideas. Maybe the administration does not like self-insurance because it represents a free market alternative to ObamaCare. But the fact is nearly 100 million Americans are already availing themselves of it. I am sure most of them like the greater flexibility and affordability it provides.

So it is time these folks spent their energy working with us to look after the middle class and to bring about the kind of reforms that will actually lower costs and that our constituents want, because they should not have to wake up to news such as this: "Florida Blue is dropping 300,000 customers."

"Hundreds of thousands of New Jerseyans opened the mail last week to find their health insurance plan would no longer exist in 2014"—out of existence.

"Half of the roughly 600,000 people in [my State of] Kentucky's private insurance market will have their current insurance plans discontinued."

Mr. President, 300,000 Kentuckians will have their current insurance plans discontinued.

This is not fair. It is not what Americans were promised, and Republicans intend to keep fighting for middle-class families suffering under this law. I hope more of our Democratic colleagues will join us in this battle in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO BRIGADIER GENERAL JONATHAN FARNHAM

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to retired BG Jonathan Farnham, who is retiring after having honorably served his community, State and country for 34 years in the Vermont National Guard.

Jon was commissioned in 1981 through the Reserve Officer Training Corps at the University of Vermont where he earned a Bachelor of Science in economics. Prior to receiving his commission, he served as an enlisted member of the 1st Battalion, 86th Field Artillery of the Vermont Army National Guard.