

Under the banner of national security, the National Security Agency was mining information about home phone calls and how long they lasted. They found out whom they were calling—and not only that. They found out whom the call was between. They also determined how long that call lasted.

NSA essentially was conducting a dragnet, without first attempting to determine whether that information was relevant to a national security problem. NSA ran this program under the authorities granted to them by section 215 of the PATRIOT Act, which expires on June 1 of this year. The American people were outraged by these revelations and Congress rightly acted.

Last year, the House passed a bill by a vote of 303 to 121 to end the NSA's so-called bulk metadata collection program and reform and extend the authority for this program.

I brought a similar bill to the floor authored by Senators LEAHY and LEE. There was a bipartisan group of Senators who joined them to call for its passage. But sadly, the majority leader—at that time the minority leader—stood in the way of bipartisan reform. Instead of passing meaningful reform, he led a Republican filibuster of this bill. That was one of a couple hundred that was led by my friend.

This year, Senators LEAHY and LEE worked again with the Chairman and ranking Member of the House Judiciary Committee on the USA FREEDOM Act, which ends the National Security Agency's bulk collection program and extends and reforms the authorities under section 215 of the PATRIOT Act.

There have been bipartisan and bicameral calls for the Senate to take up that legislation. Yet again, instead of committing to bringing up this bipartisan bill, last month the senior Senator from Kentucky introduced a bill that would extend the authorities for the National Security Agency's bulk collection program for 5½ years. Then the Second Circuit, almost simultaneously—within 24 hours of that decision by the majority leader—found the bulk collection illegal.

In reaction to the court's decision, the House last week passed the USA FREEDOM Act by a vote of 338 to 88. By a four-to-one margin, the House voted to end the National Security Agency's illegal bulk data collection program and reform its practices.

But even in the face of that court's decision, the majority leader stood once again against bipartisan reform. Instead of heeding the Republican-controlled House's calls for reform, the majority leader introduced a bill that would extend the authorities for the National Security Agency's illegal program for 2 more months.

Congressman GOODLATTE, the chair of the Judiciary Committee in the House, said they will not accept a short-term extension of the bill. This morning, Leader McCARTHY, the second ranking Republican in the House, said they will not accept any extension.

That is exactly what the Speaker, Congressman BOEHNER, said.

If we squander this opportunity to deliver sound reforms to this illegal program, we are handling our duties irresponsibly here in the Senate.

To stand in the way of reforming these practices is to ignore the voice of the American people. Just yesterday, a new poll commissioned by the American Civil Liberties Union showed that 82 percent of Americans are concerned that the Federal Government is collecting and storing the personal information of Americans, and they do not like it.

If we are unable to reform these practices, we are ignoring the ruling of the Second Circuit, which rejected the National Security Agency's bulk collection program, and we are not allowing the American people's voice to be heard.

I think, most importantly, if the senior Senator from Kentucky does not allow this commonsense reform simply with a vote on the Senate floor about what happened in the House, they are ignoring the rare bipartisan support that we have.

Just last week, 190 House Republicans voted to end the National Security Agency's illegal program. There is bipartisan consensus in favor of ending this program. Many of the Republican leader's own colleagues have called for it as well.

Last week, Attorney General Loretta Lynch and James Clapper, Director of National Intelligence, wrote a letter to Senator LEAHY, the ranking member of the Judiciary Committee. Both the Attorney General and the Director of National Intelligence voiced their support for the USA FREEDOM Act, saying:

Overall, the significant reforms contained in this legislation will provide the public greater confidence in how our intelligence activities are carried out and in the oversight of those activities, while ensuring vital national security authorities remain in place.

I agree with that statement. But sadly, the majority leader continues to stand in the way of bipartisan reform to end these illegal practices. As we face the June 1 expiration of these authorities, the majority leader still offers no viable alternative.

We cannot allow this program to be extended. The majority leader should listen to the American people because we cannot extend an illegal act. That is what the majority leader is asking us to do.

The majority leader should listen to the American people, consider the action of his Republican colleagues, and respect the expertise of the intelligence community.

The Senate should act now on the USA FREEDOM Act before it leaves for the Memorial Day recess and restore the confidence of the American people.

NOMINATIONS AND HIGHWAY BILL

Mr. REID. Mr. President, we have heard so much about how great the Re-

publicans are doing here, about how well things are working now. We are doing no nominations—none. We are 5 months into this Congress, and we basically approved virtually no one. It is interesting to say there are not many names on the calendar to bring up. Why? Because they are not even holding hearings on all the nominations. We always hear about the need for jobs—but not from my Republican colleagues. We hear from us. One of the prime examples of that is the highway bill. It is about to expire. What are we going to do? Nothing. There is no program to extend this bill. It has already been extended short term 33 times. Think about that. We used to do bills here for 5 years, 6 years so that the directors of transportation and all of these States around the country could plan ahead.

We are being penny-wise and pound-foolish. We are having these short-term extensions, which are very expensive, creating no jobs. For every \$1 billion we spend on these highway programs, we create 47,500 jobs. My Republican colleagues are ignoring this.

What is the business of the day, Mr. President?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, and the Democrats controlling the first half and the majority controlling the second half.

The assistant Democratic leader.

DACA AND DAPA PROGRAMS

Mr. DURBIN. Mr. President, 14 years ago, I introduced a bill known as the DREAM Act. My friend and colleague Senator LEAHY was the chairman of the Senate Judiciary Committee, and for the last 14 years we have tried to pass this basic law, and here is what it says: If you were brought to the United States as a child, and you were undocumented in America, but you have lived here without committing any serious crime and finished high school, we will give you a chance. If you will agree to at least complete 2 years of college or enlist in America's military, we will give you a path to citizenship.

I offered this legislation because so many young people—about 2½ million—living in this country were brought here when they were infants, small children. They didn't have any voice in the matter, their parents decided. They came to the United States. They have lived here as Americans.

They stood in their classroom every single day and put their hand on their heart and pledged allegiance to that flag. That was their flag. What they didn't know or didn't understand was that they were undocumented. They don't have a country. The laws of the United States are very clear. If you are one of those people, you have to leave. You have to leave for at least 10 years and then apply to come back in. I didn't think that was fair.

I introduced the DREAM Act. In fact, I had the support of the senior Senator from Utah as my cosponsor when I first introduced it. We could not pass it and make it the law of the land. So the day came when I appealed to the President of the United States, my former colleague from the Senate and the State of Illinois. He was a sponsor of the DREAM Act. I appealed to the President to give these young people a chance. He took his power as President and issued an Executive order, and that Executive order said that if these young people would come forward, pay a substantial fee for processing, show that they have no serious criminal record and can show they had come to the United States years before, they would be given a chance to stay without fear of deportation. It is called DACA.

Well, the President waited and challenged Congress to do something about it—pass the DREAM Act, pass comprehensive immigration reform. Even though it passed in the Senate, with 68 votes on a bipartisan rollcall vote, the Republican House of Representatives refused to even call the measure for a vote.

One year passed, 2 years have passed, and here we are—no action by the Republican leadership in the House of Representatives or, for that matter, in the Senate to move comprehensive immigration reform. The President said: I am going to step up with my power as President and do what I can to deal with this issue. He said: Let's have some standards. I will not allow anyone to step forward and ask for temporary status in this country unless they have been here at least 5 years. If they step forward, they have to pay a filing fee for us to process their application, and they have to submit themselves to a criminal and national security background check. We don't want anybody in this country who is a danger to America. If they flunk that part of the test, they are finished and deported. And then they have to put their names on the books to pay their taxes in the United States of America while they are working. Under those circumstances, we will give them the temporary renewable right to stay and work without fear of deportation, and then several years later repeat it, submit an application again. The President believes, and I share the belief, we will be a safer nation if we do that.

There could be as many as 11 million undocumented people in this country who would qualify for what we call

DAPA. They would have to pay a fee, pay their taxes, go through this background check, and be subject to renewal on a regular basis.

Well, today, May 19, 2015, was supposed to be the first day people would be allowed to apply for this new program—this DACA Program, but unfortunately it has been stopped cold. It has been stopped by the Republican Party in the House and Senate and stopped by their efforts in court to stop this President. Oh, they have an alternative. They stated their alternative. Their alternative is for these people to leave the United States. Their candidate for President, Governor Romney, said as much when he ran last time. They have no alternative plan. They want these people—millions of them—to leave the United States through voluntary deportation, as they call it.

Well, the sad reality is that is not going to happen, and obviously the Republicans are not going to do anything to deal with our broken immigration system. There are casualties with this decision. One of them is Naomi Florentino. This attractive young woman was brought to the United States from Mexico when she was 10 years old. She grew up in Smyrna, TN. She was an amazing student and active in her community.

In high school, she was a member of the National Honor Society, and she received the Student of the Year Awards for algebra and art. She served on the student council and played on the varsity soccer and track and field teams, where she was a shot-putter and discus thrower.

Naomi's dream is to become a robotics engineer. In high school, she was a member of the robotics team, participated in NASA's Science, Engineering, Mathematics and Aerospace Academy, and she performed so well she won the Next Generation Pioneer Award. Naomi graduated from high school with an honor's diploma, but Naomi's immigration status limited her options. The college counselor refused to help. The college counselor at her high school told her that since she was undocumented, she was on her own.

She didn't quit. She took mechanical engineering courses at Lipscomb University in Nashville. She then went on to community college. These undocumented kids cannot get help while they are going to school. They do not qualify for the Pell grant or government loans. She was determined. She was not going to quit.

At the community college, where she will be graduating this spring, she has an associate's degree in mechatronics technology, a field that combines mechanical engineering, electrical engineering, telecommunications engineering, control engineering, and computer engineering. This fall Naomi will begin to work on her bachelor's degree in engineering at Middle Tennessee State University. Remember what I said. She is on her own. She gets no help from

the government to do this because she is undocumented.

In her spare time—if you can imagine she has any—she continues to be very involved in her community. For 6 years, she was judge and mentor in engineering and robotics competitions. Since 2008, she has volunteered as a college mentor with the YMCA Latino Achievers Program in Tennessee. Despite everything this young woman has achieved in her life, her future is totally uncertain.

In 2012, President Obama said that under the DACA Program we are going to protect Naomi, and people just like her, from deportation. We will not give her government assistance to go to school, but at least she knows she will not be deported as long as she passes the test I mentioned earlier.

She is now part of the work-study program at Nissan North America's Smyrna, TN, plant. They want her. Wouldn't you? This is the largest automotive manufacturing plant in the United States.

As a maintenance intern, she assists with troubleshooting on their most sophisticated equipment—this young lady with 2 years of community college.

She wrote me a letter, and here is what she said about the DACA Program:

DACA has meant the opportunity of a lifetime for my academic and professional career. As a student at Smyrna High School, driving past the Nissan plant motivated me to be a better student—with hopes of, one day, being part of a company that is highly-regarded in my community. However, without proper work authorization, that goal seemed far-fetched. Today, it is a reality for me. I have learned that, given the opportunity, hard work, patience and perseverance can pay off.

Naomi and 600,000 DREAMers like her have stepped forward under President Obama's program. They are not going to be given any kind of award. They will just be given a chance.

I don't understand the Republican point of view. The Republicans would have us deport this young woman. Their attitude is: Send her back to Mexico. We don't need her.

She, unfortunately, came here because her parents decided to bring her here, and now she has to pay the price for her parents' decision. Is that what America is all about? Is that what our system of justice is all about?

Naomi will be an important part of our future, and thousands like her deserve that chance. That is why today is a sad day. The President's efforts to extend this program and help others—parents of young DREAMers like this have been stopped cold by the courts and stopped cold by the Republican leadership.

President Abraham Lincoln once said, "We cannot escape history," and history is very clear, we are a nation of immigrants. My mother was an immigrant to this country, and I stand here today as a Senator from the great State of Illinois. I am very proud of

what she and her family did when she came to this country.

Let us reward those who are willing to come to America to work and make it better. Let us give these young people a chance. Let us, once and for all, say this Nation of immigrants is proud of our heritage and prouder still of what immigrants can mean to our future.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

MR. LEAHY. Mr. President, I just wish to praise the senior Senator from Illinois. He has been consistent on this issue since he came here. He was one of the architects of a major overhaul of our immigration system a year and a half ago, which passed by a two-thirds majority, by Republicans and Democrats alike.

We have gone such a long way toward solving this problem. The Republican leadership in the House—even though the votes were there to pass it in the House—refused to bring it up.

I am proud to align myself as a follower of the leadership of the Senator from Illinois, Mr. DURBIN, on this issue.

With the way we apply the laws now, I wonder whether my grandparents would have been able to come to Vermont from Italy and see their grandson become a U.S. Senator or would have seen their highly decorated son serve in World War II. I wonder if my wife's parents would have been able to come from Canada so she could be born in Vermont.

Come on. We are a nation of immigrants. Let's welcome them. They can often make our country much stronger than it was before.

I applaud the Senator from Illinois.

USA FREEDOM ACT

MR. LEAHY. On another issue, in just 12 days, section 215 of the USA PATRIOT Act, along with two other surveillance authorities, will expire. And once again, the Senate Republican leadership is scrambling at the last minute to avoid a crisis of its own making.

Last year, we had a chance to pass the USA FREEDOM Act of 2014, and I urged the Senate to pass it. A majority of Senators, but not 60, voted for it because we all knew the expiration date for these surveillance authorities was right around the corner. We knew May 31 would arrive quickly in the new Congress.

I did not want our intelligence community to face a period of uncertainty leading up to the sunset, and I also didn't want the American people to have billions of their phone records stocked away in a government database any longer—especially as we have seen, in the case of Edward Snowden, just how insecure that database can be.

That is why we spent months holding six public hearings in the Judiciary Committee and even more months negotiating a bipartisan bill, which got

the support of the administration, the intelligence community, privacy groups, and the technology industry. I think that is the first time we have had all of them together.

Unfortunately, my attempts to avoid this last-minute chaos were blocked by the Republican leader last year. He said this was a matter that could wait for the new Congress. He said the new Republican majority would have a rigorous committee process for important issues.

Well, five months into the new Republican majority, and with the deadline looming, the Republican leader has just now turned his attention to this issue.

The Republican-led Senate committees have not taken steps toward reauthorization or reform. Instead, the majority leader now proposes a 60-day extension of a program that a Federal court of appeals just ruled is unlawful. The court ruled unanimously that it is unlawful, and they are saying, well, let's just extend the bulk collection program for another 60 days.

The majority leader apparently wants to do this to allow one of his committee chairmen to develop a last-minute “back-up plan.” This is why we tried to pass legislation a year ago.

The House of Representatives is not going to pass a 60-day extension, nor should it. We should not extend this illegal program for one more day, and we do not need to do so. After all, we have a solution in hand. Why try to ignore reality and go on with something else?

We have a responsible solution. In fact, it is the only responsible solution. Broad consensus has developed around the bipartisan USA FREEDOM Act of 2015.

The Attorney General and the Director of National Intelligence wrote a letter in support of the bill. The FBI Director told me he supports it. This past weekend, the former chairman and ranking member of the House Intelligence Committee advocated for passage of this legislation in an article in the Baltimore Sun.

Mr. President, I ask unanimous consent that these materials be printed in the RECORD.

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

[From the Baltimore Sun, May 15, 2015]
INTELLIGENCE REFORM BILL IS IMPORTANT TO
SAFEGUARDING OUR SECURITY AND PRIVACY

(By C.A. Dutch Ruppersberger and Mike Rogers)

The USA Freedom Act will protect our security and privacy.

A recent Baltimore Sun editorial described legislation to reform the government's collection of Americans' phone and email data as a sign that “bipartisan cooperation in Congress is not completely dead” (“Reining in the surveillance state,” May 5). We'd like to remind The Sun that similar legislation to end the mass storage of this data passed the House by an overwhelming bipartisan majority—it garnered more than 300 votes, in fact—over a year ago.

In our role as leaders on the House Intelligence Committee, we drafted and intro-

duced last year's bill together with our colleagues on the Judiciary Committee, Reps. Bob Goodlatte and John Conyers. Our success provided the foundation for the legislation that passed the House by an even larger margin on Wednesday. The USA Freedom Act ends the bulk collection of what we now know as “metadata”—that big database up at the National Security Agency that contains the phone numbers of millions of Americans will go away. The government will now have to seek court approval before petitioning private cell phone companies for records. The court will have to approve each application, except in emergencies, and major court decisions will be made public.

We need this reform to keep our country safe. Section 215 of the Patriot Act, which is the part that legalizes much of NSA's critical work to protect us from terrorists, expires in less than three weeks on June 1. If we do not reauthorize it with the reforms demanded by the public, essential capabilities to track legitimate terror suspects will expire, too.

That couldn't happen at a worse time—we live in a dangerous world. The threats posed by ISIS and other terror groups are just the tip of the iceberg. We also need strong defenses against increasingly aggressive cyber terrorists and the “lone wolf” terrorists who are often American citizens, for example.

This bill restores Americans' confidence that the government is not snooping on its own citizens by improving the necessary checks and balances essential to our Democracy. We helped write it last year, we support it this year and we hope Republicans and Democrats continue working together on common sense reforms to protect our national security and our civil liberties.

MAY 11, 2015.

SENATOR PATRICK J. LEAHY,
U.S. Senate, Washington, DC.

SENATOR MIKE S. LEE,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND LEE: Thank you for your letter of May 11, 2015, asking for the views of the Department of Justice and the Intelligence Community on S. 1123, the USA FREEDOM Act of 2015. We support this legislation.

This bill is the result of extensive discussion among the Congress, the Administration, privacy and civil liberties advocates, and industry representatives. We believe that it is a reasonable compromise that preserves vital national security authorities, enhances privacy and civil liberties and codifies requirements for increased transparency. The Intelligence Community believes that the bill preserves the essential operational capabilities of the telephone metadata program and enhances other intelligence capabilities needed to protect our nation and its partners. In the absence of legislation, important intelligence authorities will expire on June 1. This legislation would extend these authorities, as amended, until the end of 2019, providing our intelligence professionals the certainty they need to continue the critical work they undertake every day to protect the American people.

The USA FREEDOM Act bans bulk collection under Section 215 of the USA PATRIOT Act, FISA pen registers, and National Security Letters, while providing a new mechanism to obtain telephone metadata records to help identify potential contacts of suspected terrorists inside the United States. The Intelligence Community believes, based on the existing practices of communications providers in retaining metadata, that these provisions will retain the essential operational capabilities of the existing bulk telephone metadata program while eliminating bulk collection by the government.