

President has been and still raise a family that is so extraordinarily accomplished and contributes so much. Then to have that eldest son taken from him is like a dagger into our hearts.

So we grieve with the family. We grieve for them and with the Nation. I just wish to put that on the record.

#### NATIONAL SECURITY LEGISLATION

Mr. NELSON. Mr. President, we are here because the Senate is not functioning. We were here last night because the Senate is not functioning. Oh, it is functioning according to the rules, which say that you have to go through this arcane procedure of cloture on the motion to proceed and get 60 votes before you can ever get to the bill. Once you get to the bill, then you file another motion for cloture. The Senate rules say that there are 30 hours that have to run unless, as has been typical of Senate business, there is comity, there is understanding, and there is bipartisanship. But one Senator can withhold unanimous consent, and that has been done—so the 30 hours.

Now, normally that may be standard procedure for the Senate, but it is getting in the way of our national security. At midnight last night the law that allows our intelligence community to track the emails and the phone calls of the terrorists evaporated. It won't be reenacted until sometime later this week because of the lack of unanimous consent.

But this Senator from Florida is not putting it at the feet of just the one Senator who is withholding the unanimous consent. This Senator from Florida is saying that this should have been planned on over a week ago. This Senator is saying that we should have gone through the laborious procedures—not assuming that we were going to have the votes last night, not assuming that there was going to have comity and unanimous consent. This Senator thinks that we should have done this because of the urgency of national security.

It is interesting that this Senator from Florida comes to the floor with mixed feelings. I voted for the Leahy bill, which is identical to the House bill, but I did that because we didn't have any other choice. When I had another choice, I voted for Senator BURR's—the chairman of the Senate Intelligence Committee—version, which was to continue existing law. I did so because I clearly thought that was in the interests of our national security.

But since that is not the prevailing vote of the Senate, we need to get on with it and pass the House bill. Then I would urge the chairman of the Intelligence Committee, who is on the floor, that—down the line—the 6-month transitional period from the old law to the new law be extended with a greater transition time to 12 or 18 months. I

would further urge the chairman of the Intelligence Committee that as to a major flaw in the bill passed by the House, which we will eventually pass this week, we add to it a requirement for a certain amount of time that the telephone companies would have to keep those telephone business records, so that if there is an urgency of national security going through the FISA Court, those records would be available to the intelligence community to trace the telephone calls of the terrorists. That would be my recommendation, and I see the chairman nodding in somewhat agreement.

I hope we will get on. I hope better hearts and minds will prevail and that we can collapse this period of darkness where there is no law governing emails, phone calls, cell phones, et cetera, as we try to protect ourselves from the terrorists.

I would hope that this would be collapsed into a much shorter time instead of having to wait until late Tuesday or Wednesday or Thursday of this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

#### ORDER OF PROCEDURE

Mr. BURR. Mr. President, I ask unanimous consent that all morning business time be yielded back and the Senate resume consideration of H.R. 2048.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### USA FREEDOM ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2048, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2048) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

Pending:

McConnell/Burr amendment No. 1449, in the nature of a substitute.

McConnell amendment No. 1450 (to amendment No. 1449), of a perfecting nature.

McConnell amendment No. 1451 (to amendment No. 1450), relating to appointment of amicus curiae.

McConnell/Burr amendment No. 1452 (to the language proposed to be stricken by amendment No. 1449), of a perfecting nature.

McConnell amendment No. 1453 (to amendment No. 1452), to change the enactment date.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I rise while my good friend from Florida is on the floor to say that I wish I could have a magic wand with which I could collapse this time. But as he knows, under Senate rules, one Member can demand for the full 30 hours, and we are in a process like that. My hope is that there will be accommodation as we go through this because I think most Members would like to resolve this.

Let me say specifically to his two points that there is a substitute amendment that has the USA FREEDOM language with two additional pieces. Those two pieces are a 6-month notification to NSA by any telecom company that intends to change its retention program. As my good friend from Florida knows, in part, trying to move a bill is making sure we move a bill that can be passed and accepted by the House of Representatives. Mandatory retention right now does not meet that threshold. But I hope they will accept this requirement of notification of any change in their retention program, as well as a DNI certification at the end of whatever the transition period is.

Now, there will be a first-degree and a second-degree amendment, in addition to that, made in order and germane. The first-degree amendment will be to extend the transition period to 12 months. So we would go from 6 months—not to 2 years, as my colleague from Florida and I would prefer, and not to 18 but to 12. I think that is a happy spot for us to agree upon.

Then there will be a second-degree amendment to that to address some language that is in the bill that makes it mandatory on the part of the Justice Department that they get a panel of amicus individuals. What we have heard from the Justice Department and gotten a recommendation on is that that be voluntary on the part of the courts. We will second-degree that first-degree amendment with that language provided to us by the courts.

I would like to tell my colleague that by tomorrow afternoon, I hope, we can have this complete and send it to the House, and by the time we go to bed tomorrow night this might all be back in place.

I remind my colleagues that any law enforcement case that was in progress is not affected by the suspension of the roving or “lone-wolf” provisions. They are grandfathered in so those investigations can continue. But for the 48 hours we might be closed, it means they are going to delay the start of an investigation, if in fact they need those two tools.

From the standpoint of the bulk data program, it means that is frozen. It can't be queried for the period of time, but it hasn't gone away. Immediately, as we reinstitute the authorities in this program, that additional data will be brought in and the process that NSA would go through to query the data

would, in fact, be available to the National Security Agency only—as is current law—once a FISA Court provides the authority for them to do it.

I think there are a lot of misstatements that have been made on this floor. Let me just state for my colleagues what is collected. What is metadata? It is a telephone number, it is a date, it is the time the call was made, and it is the duration of the phone call.

Now, I am not sure how we have invaded anybody's privacy by getting a telephone number that is deidentified. We don't know who it belongs to, and we would never know who it belongs to until it is turned over to law enforcement to investigate because it has now been connected to a known foreign terrorist's telephone number.

Stop and think about this. The CFPB—a government agency—collects financial transactions on every American. There is nobody down here trying to eliminate the CFPB. I would love to eliminate the CFPB tomorrow. But there is no outrage over it, and they collect a ton more information that is not deidentified. It is identified.

Every American has a discount card for their grocery store. You go in and you get a discount every time you use it. Your grocery store collects 20 times the amount of data the NSA does—all identified with you. There is a big difference between the NSA and your grocery store: We don't sell your data at the NSA; your grocery store does.

Now, I am for outrage, but let's make it equal. Let's understand we are in a society where data is transferred automatically. The fact is, No. 1, this is a program authorized by law, overseen by the Congress—House and Senate—and the executive branch at the White House. It is a program that has never had—never, never had—a privacy violation, not one, in the time it has been in place.

Now, I am all for, if the American people say this is not a function we believe government should be in—and I think that is what we have heard—and we are transferring this data over to the telecom companies, where no longer are there going to be a limited number of people who can access that information. We are going to open it up to the telecom companies to search it in some way, shape or form. Whether they are trained or untrained or how exactly they are going to do it, it is going to delay the amount of time it will take us to connect a dot to another dot.

Mr. NELSON. Will the Senator yield for a question?

Mr. BURR. I will be happy to yield.

Mr. NELSON. Mr. President, this is a good example of the chairman of the intel committee, a Republican, and this Senator from Florida, a Democrat and a former member of the intel committee, agreeing and being so frustrated—as was just exemplified by the Senator from North Carolina—that there is so much misunderstanding of what this legislation does.

The fact is, as the chairman has just said, “metadata”—a fancy term—is nothing more than business records of the telephone company. A telephone number is made to another telephone number on such and such a date, at such and such a time, for such and such duration. That is all. We don't know whom the call was from or to. It is when there is the suspicion, through other things that are authorized by court order, that the analyst can get in and open up as to what the content is in order to protect us.

Would the Senator from North Carolina agree there is so much misunderstanding in the press, as has been reported, about how this is an invasion of privacy, as if the conversations were the ones that were being held by the National Security Agency? Would the Senator agree with that statement?

Mr. BURR. I would agree exactly with that statement. The collection has nothing to do with the content of a call. To do that would take an investigation into an individual and an additional court process that would probably be pursued by the FBI, not the NSA, to look at the content.

I think when the American people see this thing dissected, in reality, they will see that my telephone number without my name isn't really an intrusion, the time the call was made really isn't an intrusion, the duration of the call really isn't an intrusion, and now I know they are not collecting anything that was said, that there is no content in it and that this metadata base is only telephone numbers.

There is a legitimate question the American people ask: Why did we create this program? Well, it was created in the Department of Defense. It was transferred over to the intelligence community. The purpose of it was in real time to be able to search or query a massive amount of data.

A few weeks ago, we, the United States, went into Syria and we got a bad guy. And we got hard drives and we got telephones and we got a lot of SIM cards. Those telephone numbers now, hopefully—don't know but hopefully—we are testing them in the metadata base to see if those phones talked to anybody in the United States. Why? I think the American people want us to know if terrorists are talking to somebody in this country. I think they really do want us to know that.

What we have tried to do since 9/11 is to structure something that lives within the law or a Presidential directive that gives us that head start in identifying who that individual is. But we only do it through telephone numbers, the date of the call, and the length of the call. We don't do it through listening to content.

That is why I think it is healthy for us to have this debate. I think my good friend from Florida shares my frustration. We are changing a program that didn't have a problem and didn't need to be changed, and we are accepting a lower threshold of our ability to inter-

cept that individual in the United States who might have the intention of carrying out some type of an attack.

Now, I would only say this. I don't believe the threat level has dropped to a point where we can remove some of the tools. If anything, the threat level has gotten higher, and one would think we would be talking about an expansion of tools. But I accept the fact that this debate has gotten to a point where a bulk data storage capacity within the government is not going to be continued long term.

I would say to my good friend, who I think agrees with me, that although I believe 24 months is a safer transition period, hopefully our friends in the House will see 12 months as a good agreement between the two bodies. That 12-month agreement I think would give me confidence knowing we have taken care of the technology needed for the telecoms to search in real time their numbers.

Now, make no mistake, this will be a delay from where we currently are. I can't get into the classified nature of how long it takes us to query a database, given the way we do it, but there is no question this will lengthen the amount of time it takes us to connect the dots. Therefore, for something that might be in an operational mode, we may or may not hit that. That is a concern. But this is certainly something we can go back and look at as time goes on.

Mr. NELSON. Mr. President, if the Senator will further yield.

Mr. BURR. Absolutely.

Mr. NELSON. Has the Senator heard many times from the press: Well, nobody has come forward and shown us one case in which the holding of these telephone business bulk records has paid off. Has the Senator heard that statement by the press?

Mr. BURR. The Senator has heard that statement by the press and has heard it made by Members of this body.

Mr. NELSON. Has the Senator come to the conclusion that with regard to the holding of that data and the many cases that are classified, that that data has protected this country from terrorists by virtue of just the example he gave of terrorist records apprehended in the raid in Syria a couple of weeks ago and that those telephone numbers may well be like mining gold in finding other terrorists who want to hit us?

Mr. BURR. The Senator hits on a great point, and let me state it this way. Would any Member of the Intelligence Committee be on the floor battling to keep this program, if, in fact, in our oversight capacity, we had looked at a program that was absolutely worthless? Would we expend any capital to do that? The answer is, no, we wouldn't.

We are down here battling on the floor, those of us either on the committee or who have been on the committee since 9/11, because we have seen the impact of this program. We know what it has enabled us to do and we

know what happens when we get a trove of technology in our hands that gives us the ability to see whether it was tied to somebody—whether we knew about them or we didn't.

The fact is, when you have groups such as ISIL today, that are saying on social media: Don't come to Syria, stay in the United States, stay in Europe, go buy a gun, here are 100 law enforcement officers, here are 100 military folks, that is how you can carry out the jihad, it makes the use of the tool we are talking about even more important because no longer do we get to look at no-fly lists, no longer do we get to look at individuals who have traveled or who intend to travel to Syria. It is individuals who grew up in neighborhoods that we never worried about. And the only way we will be able to find out about them is if we connect the conversation they have had or just the fact that a conversation took place, and then law enforcement can begin to peel the onion back with the proper authorities—the proper court order—to begin to look at whether this is a person we need to worry about.

The Senator from Florida is 100 percent correct that this is invaluable to the overall defense of this country.

Mr. NELSON. Mr. President, if the Senator will further yield, and I will conclude with this.

The American people need to understand there is so much agreement behind the closed doors on the Intelligence Committee, as they are invested with the oversight of what is going on in order to protect our blessed country. My plea now is we would get to the point that as the chairman has suggested, even by waiting until tomorrow, we can collapse this time and get on to passing this by sending down some minor modifications to the House that they can accept, then get it to the President so this important program that tries to protect us from terrorists can continue.

I thank the Senator for yielding.

Mr. BURR. I thank my good friend from Florida for his willingness to come to the floor and talk facts.

I see my good friend from Arizona here. Before I yield, let me just restate what the Senator from Florida asked me, which was, geez, we need a longer transition period and we need something addressed on the data that is held.

I say for my colleagues that there will be three votes at some point. One will be on a substitute amendment. It has the exact same language as the USA FREEDOM bill. It makes two changes to the USA FREEDOM bill. It has a requirement that the telecoms notify the government 6 months in advance of any change in the retention program for their data, which I think is very reasonable. The second would be that it requires the Director of National Intelligence to certify, on whatever the transition date is, that the software that needs to be provided to the telecoms has been provided so that search can go through.

In addition to that, there will be two other amendments. The first will deal with expanding the transition period from the current 6 months in the USA FREEDOM bill to 12 months. Again, I would have preferred 24 months. We have settled on 12 months. The last thing is that it would change the current amicus language in the bill to reflect something provided to us by the courts. It was the court's recommendation that we change it. This would be easier to fit within a program that has a time sensitivity to it.

So as we go through the debate today, as we go through tomorrow, hopefully we will have three amendments that pass, and we can report this bill out shortly after lunch tomorrow if everything works well.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senator from Arizona.

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

#### TRIBUTE TO BOB SCHIEFFER

Mr. McCAIN. Mr. President, I wish to pay tribute today to CBS broadcaster Bob Schieffer, who retired yesterday as the moderator of the most watched Sunday news show, "Face the Nation," after a career in journalism that lasted more than half a century. Bob reported from Dallas that terrible weekend President Kennedy was assassinated. At that time, he was with the Fort Worth Star Telegram. He was CBS's Pentagon correspondent, congressional correspondent, White House correspondent, and chief Washington correspondent. He anchored the "CBS Evening News" at a time of transition and turmoil at the network. For 24 years he moderated "Face the Nation," which became more popular every year Bob ran the show. He tried to retire before, several times. CBS begged him to stay. That is an impressive run by anyone's standards, all the more so considering Bob is probably the most respected and popular reporter in the country.

Familiarity might not always breed contempt, but it is certainly not a guarantee of enduring public admiration—except in Bob's case. The public's regard for Bob Schieffer never seemed to waver or even level off. He grew in stature the longer his career lasted. Not many of us can say that. The secret to his success, I suspect, is pretty simple: Americans just like Bob Schieffer. They like him a lot and trust him. That is pretty rare in his profession, which, like ours, has fallen precipitously in recent years in the esteem of the American people. I think it is attributable to the personal and professional values he honestly and seemingly effortlessly represented, old-fashioned values that in this modern communications age make him stand out.

Bob is courteous and respectful to the people he reports on and interviews. There are people in his profes-

sion who disdain that approach to journalism, but I doubt they will ever be as good at the job as Bob Schieffer was. He looked to get answers to questions the public had a right and a need to have answered. He was dogged in pursuit of those answers, and more often than not he succeeded. But he wasn't sarcastic or cynical. He wasn't rude. He didn't show off. He didn't do "gotcha" journalism. He was fair, he was honest, and he was very good at his job. He asked good questions, and he kept asking them until he got answers. He was determined to get at the truth not for the sake of one-upping you or embarrassing you but because that was a journalist's responsibility in a free society. If he caught someone being evasive or dishonest or pompous, he would persist long enough for them to expose themselves. He didn't yell or talk over them or insult them. He didn't need to.

I don't know how he votes. Most people in his profession have political views to the left of my party, and it wouldn't surprise me if Bob does, too. Almost all reporters claim they keep their personal views out of their reporting, but not many do it successfully, be they liberal or conservative. The best do, and Bob Schieffer is the best. I never once felt I had been treated unfairly by him because he disagreed with me. I think most Republicans Bob interviewed would say the same.

He moderated Presidential debates without receiving any criticism—or at least any deserved criticism—for loading his questions with his own views or mediating exchanges between candidates to favor one over the other. He was the model of a successful moderator, intent on informing the electorate, not drawing attention to himself. That is not to say he didn't make an impression on his audience. He did. He impressed them, as he always did, with his fairness, his honesty, and his restraint.

It is no secret that I have made an occasional appearance on a Sunday morning show. No doubt I have enjoyed those experiences more than some of my colleagues have enjoyed watching them. Some people might think I should take up golf or find something else to do with my Sunday mornings. I may have to now that Bob has retired.

I have appeared on "Face the Nation" over 100 times—more than any other guest. I acknowledge there are viewers who would prefer to see someone else claim that distinction. Too bad. I have the record, and I think I will have it for a while. I am kidding—sort of. But I am not kidding about my appreciation for Bob Schieffer and the opportunity he gave me and everyone who appeared on his show to communicate our views on issues without a third party editing or misconstruing them and to have those views tested by a capable, probing, and fair interviewer, which Bob Schieffer certainly was.

He is something else, too, in addition to being a very good and very fair reporter. He is a good guy. And there are never enough of those around. I am going to miss spending the occasional Sunday morning with him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### REMEMBERING BEAU BIDEN

Mr. DURBIN. Mr. President, I gathered Saturday night in Springfield, IL, with my wife and a group of close friends at the retirement party of Ann Dougherty, who served me so well here in the Senate office and in the congressional office in Springfield. It was a great night with a lot of enjoyment. That was interrupted by the sad news of the passing of Beau Biden. One of my other staffers came up and said that Beau Biden had passed away here in Washington on Saturday evening.

Beau, of course, the oldest son of Vice President JOE BIDEN, had been suffering from a serious cancer illness—brain cancer—for some period of time. Most of us knew there was something terribly wrong when we approached the Vice President about his son's illness, and JOE—the Vice President—in very hushed terms would say, "Pray for him."

We knew he was in a life struggle, but the fact that he would lose his life Saturday evening at age 46 is a personal and family tragedy. It is a tragedy which is compounded by the extraordinary person Beau Biden was. This young, 46-year-old man had achieved so many things in life. First and foremost, he had married Hallie—a wonderful marriage, two beautiful children. He was part of that expanded and warm Biden family.

He was known to most people around America by his introduction of his father at the Democratic National Convention. It was not a customary political introduction; it was an introduction of love by a son who truly loved his father. Beau Biden told the story of his mother's untimely death in an auto accident with his sister and how he and his brother Hunter had survived and drew closer to their father as they grew up.

Jill Biden married JOE at a later date, and the family expanded. As you watched this family in the world of politics, they were just different. They were so close and loving of one another that you knew there was an extraordinary bond there.

Beau Biden made his father proud and all of us proud in the contributions

he made, first as attorney general in Delaware and then in his service with the Delaware National Guard, actually being posted overseas in harm's way and earning a Bronze Star for the extraordinary service he gave to our country. That is why his loss is felt on so many different levels. This life was cut short—a life which could have led to so many great things in public service beyond his service to the State of Delaware. But, in a way, it is a moment to reflect on this family, this Biden family.

I have been in politics for a long time, and I have met a lot of great people in both political parties, extraordinary people. I have never met someone quite like Vice President JOE BIDEN.

A friend of mine, a colleague from Illinois, Marty Russo, served in the U.S. House of Representatives for several decades. He was a friend of JOE BIDEN's. When Marty Russo's son was diagnosed with leukemia, Marty Russo called JOE BIDEN, who was then a Senator from Delaware. JOE BIDEN not only called Marty Russo's son but continued to call and visit him on a regular basis.

His empathy and caring for other people is so extraordinary. I don't know that there is another person quite like him in public life. The only one I can think of who rivaled him was Ted Kennedy, who had the same empathy. And, as I reflect on it, both of them had in their lives examples of personal tragedy and family tragedy, which I am sure made them more sensitive to the losses and suffering of others.

JOE BIDEN is the kind of person who does things in politics that really are so unusual in the level of compassion he shows. I can recall one time a year or two ago when we were setting out on a trip together that was canceled at the last minute. I called him and said: I am sorry we can't go together. I had hoped during the course of that trip to ask you to make a special phone call to the mother of one of my staffers who was celebrating her 90th birthday.

She was the wife of a disabled World War II veteran who had raised a large Irish Catholic family, the Hoolihan family, and I wanted JOE BIDEN to wish her a happy birthday.

Well, we didn't make the trip and I didn't get a chance to hand him the phone, but he took down the information, and as soon as he hung up the phone from talking to me, he called her.

He was on the phone with her for 30 minutes, talking about her family, his family, and thanking her for making such a great contribution to this country. It is the kind of person JOE BIDEN is and Jill, his wife, the same. How many times in my life and in others has she stepped forward to show a caring heart at a moment when it really, really counted.

The loss of Beau Biden is the loss of a young man who was destined for even greater things in public life, but it is

another test of a great family, the Biden family, a test which I am sure they will pass and endure, not without a hole in their hearts for the loss of this great young man but with a growing strength that brings them together and inspires the rest of us to remember the real priorities in life—love of family and love of those who need a caring heart at an important moment.

#### UKRAINE, LITHUANIA, AND POLAND

Mr. President, I just returned from a visit to Ukraine, Lithuania, and Poland this last week. I went there to assess the ongoing Russian threat to our friends and NATO partners in Eastern Europe. What I saw was uplifting but deeply disturbing.

Most urgently is the so-called Minsk II treaty agreement reached in February between Russia, Ukraine, Germany, and France to bring an end to the fighting in Eastern Europe. This agreement was supposed to end the bloodshed in Ukraine, allow for the return of prisoners, ensure a pullback of heavy weapons, begin preparations for local elections, and return control of Ukraine's borders to the Ukraine.

I am sorry to report that this agreement has not lived up to its promise. The blame rests squarely, and not surprisingly, with the invading forces of Russia. Not only does fighting continue in Ukraine on a regular basis but Reuters recently reported that Russia is amassing troops and hundreds of pieces of weaponry, including mobile rocket launchers, tanks and artillery at a makeshift base near the Ukrainian border.

The equipment, along with Russian military personnel, had identifying marks and insignia that the Russians tried to remove to try to hide their real culpability. At this point, perhaps the only people in the world who do not believe Russia is behind the mayhem, human suffering, and displacement of innocent people in eastern Ukraine are the Russian people who have been lied to over and over again about what is actually going on with this invasion of Ukraine.

President Putin has repeatedly lied to his own people about Russian soldiers fighting in Ukraine. He has lied to them about what started this conflict, and he has lied to them about the treatment of ethnic Russians outside of Russia's borders. Yet, as more and more Russian soldiers have been killed in fighting, Putin has struggled to explain this dangerous and cynical carnage to the families of those killed in the war.

Most recently, last week, he even went so far as to make it illegal in Russia to report war deaths—incredible.

Yet, while I was there—as if anyone needed proof—two Russian soldiers were captured deep inside of eastern Ukraine. They had killed at least one Ukrainian soldier, and when it appeared they were about to be caught—listen to this—when it appeared they were about to be captured by the

Ukrainians, they were fired upon by their own Russian forces, an effort to kill them before they could be captured. These soldiers have disclosed that they are in the Russian military and carried ample evidence on their persons to support the now obvious truth that Russia is squarely behind perpetuating this invasion and conflict.

Mr. Putin, if you are going to drag your country into war to perpetuate your own political power, you ought to at least have the honesty to tell the Russian people the truth about that war, particularly those families of Russian soldiers most affected by this conflict. Going back to the old Soviet playbook of lies and disinformation is an insult to the Russian families whose young men are being sent into your war.

So it is clear the Minsk agreement is in jeopardy. It is critical that the European Union now renew its sanctions in response to Russia's illegal aggression. We in the United States should continue to work with our key NATO allies to ensure that Ukraine succeeds as a free democratic state and that NATO members are protected against Russian provocations—more on that in a moment.

Not everything in Ukraine is negative. The new government coalition is working tirelessly to reform the nation and provide a model of free market democracy on Russia's borders. Perhaps that is why Putin is trying so hard to undermine Ukraine. Decades of corruption, bribery, inefficiency, and bureaucracy are being tackled by this new government. Security services are being reformed. Ukrainians are starting to free themselves from the stranglehold of dependence on Russian natural gas.

Keep in mind all of this is occurring while Russia has largely destroyed a key industrial section in Ukraine. Try to imagine rebuilding a neglected and corrupted economy in the midst of fighting a war against one of the world's superpowers, Russia, and losing key engines of a nation's economy. That is what the Ukrainians are up against. They have risked so much for a better future; one that is open and connected to the rest of the free world. Why this was and is such a threat to Russia I will never fully understand.

I will say one thing that Mr. Putin did not count on. His invasion of Ukraine has unified that country in a way that I could not have imagined even last year. You see, there was a question which direction Ukraine would go, West or East. The people of Ukraine stopped the former Prime Minister, Yanukovych, in his efforts to move toward Moscow believing that their future should be in the West, but there was divided opinion even within Ukraine until Vladimir Putin invaded. At that point, the people of Ukraine realized their future was in the West. They looked to the West, to the European Union, to America, not only for support in this conflict but for inspiration as to what their future may hold.

I was proud to see what our Nation has been doing in Ukraine. Under President Obama, we have provided significant nonlethal supplies and assistance to Ukraine and its military. In fact, we lead the world in supporting Ukraine's efforts to revitalize their economy and to strengthen their military. We have led that fight on establishing sanctions on Russia and making sure they are not lifted until Russia stops this invasion.

In the town of Lviv, in western Ukraine, we have 300 U.S. Army personnel training Ukrainian National Guardsmen. I had the privilege of meeting with our forces, our American forces, these trainers and the trainees. I must say it was amazing.

Now, listen, some of these Ukrainian National Guardsmen whom we are training had just returned from battle in the eastern part of Ukraine. One had been captured by the Russians for 5 days. They had been under gunfire and fighting in combat against the Russians and their skilled military who are being sent into an area called the Donbass.

After they were relieved from that responsibility in the east, they were brought back west to this training camp with America's best in terms of our Army leadership. It turns out the basic training these Ukrainians should have had before they went into battle was never given to them. So now, coming back from battle, our soldiers were trying to give them the basic training to make sure they could survive if sent to battle again and bring home their comrades in the process. They were deeply, deeply grateful for that training, and our men and women working there to train them were so proud to be part of this effort. I commend this effort. I thank the President for extending America's hand to help the Ukrainian military be trained so they can survive and repel this Russian aggression.

I went on to Lithuania and Poland. It was also clear the Russian bullying and aggression is not limited to Ukraine. In both Lithuania and Poland, these frontline NATO partners face a steady stream of Russian vitriol and military threats. Russian planes recklessly buzz NATO airspace, Russian leaders make threats of capturing cities like Vilnius, the capital of Lithuania, and dangerous missiles were moved into the Russian region of Kaliningrad, bordering both Lithuania and Poland. All the while, a steady stream of sophisticated yet crude Russian propaganda flows from its state-run media services.

I happened to be in Berlin at an Aspen conference not that long ago—just a few months ago—when we were moving NATO equipment and forces in a parade—a scheduled parade—of our military in NATO through Poland and the Baltics. There was a cable channel called RT, which stands for Russia Today, that was broadcasting what they called protesters protesting the presence of NATO soldiers and equipment. RT reported that these pro-

testers were holding signs—and they showed small groups of them—saying, "NATO, stop your invasion of the Baltics."

Well, it turns out that was a phony. When I went there, I got the real story. In every town these NATO forces went through with their equipment, they were welcomed like conquering heroes. Women were holding out flowers and candy, and children were applauding as they went by, holding flags of Poland and of the United States. But RT, the Russia Today cable channel, was trying to twist the story and make it look as if the U.S. presence there was resented, when in fact it was welcomed.

The stakes here are very high. Putin is pumping Russian language incitement into areas of Europe where ethnic Russian populations live. He is promoting a message of victimhood and trying to justify further belligerence. What an insult to the talented and proud and outstanding Russian people.

I was pleased to see that the U.S. and NATO forces are maintaining regular rotations in these frontline nations. We are boosting our Baltic Air Patrol to protect the airspace and working with NATO allies to boost their own defenses.

One of the most amazing things in both Lithuania and Poland was the unequivocal request of the governments in those countries for the United States to have an even larger military presence in those countries. They are worried. They want to make sure NATO is there if they need it, and they think as long as the United States is there, they have more confidence about their future.

I had to tell them we are having our budget issues here. We are not talking about expanding U.S. military bases anywhere in the world at this point. We are trying to maintain our own military. It was heartwarming to think that they still believe in the United States as the one 911 number in the world that you want to call if you ever have a challenge.

It is a dangerous and tragic state of affairs in this part of the world. I was glad to see it firsthand and to reassure those leaders in Poland, Lithuania, and Ukraine that the United States shares their values and cares for their future.

What we have seen is an effort by Putin to undermine decades of security arrangements in Europe while perpetuating an insulting image of victimhood. He has challenged the entire West and its democratic systems. We cannot let him succeed, for Ukraine, for NATO, even for his own people. Despite our disagreements in Congress, I hope we can continue to provide strong funding for support to Ukraine and NATO.

I met with a group of eight members of the Parliament in Ukraine. Their Parliament is called the Rada. Of these eight members, at least six of them—maybe seven—were brand new to this business. They had come out of the protests in the Maidan—which is a

large square in downtown Kiev, Ukraine—where the protesters had ousted the former government, installed a new government, and risked their lives to do it. Some lost their lives in the process. There were so many of those young people sitting across the table from me who 6 or 8 months ago had nothing to do with politics. They had jobs and they were artists and they were involved in their community, but they were so inspired by what they saw in the Maidan that they decided to run for Parliament. Now these young people are tackling the toughest issues that any government can tackle: ending the corruption, reforming their government, saving their economy, fighting the Russians on the eastern border.

It humbled me in a way. I have given so much of my life to Congress and the legislative process, and I thought how many times we find ourselves tied up in knots, just as we are today, with little or nothing happening on this floor of the U.S. Senate when there are so many challenges we face across this Nation. I thought about them, sitting in Kiev not knowing if tomorrow or the day after or a week after they would have to face an invasion of the Russians coming across their country trying to capture it. Yet they have the courage and determination to press on, to try to build a better country for the future, inspired by their own people who took to the streets to reclaim their nation.

Well, I left with some inspiration on my own part. I hope to encourage this administration to show even more support for the Ukrainians and to make it clear to our NATO allies that we will stand with them, as we have for so many decades, in the pursuit of democratic values.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Maine.

Mr. KING. Mr. President, I rise to address the bill before us, the USA FREEDOM Act, and its predecessor, the PATRIOT Act. Before talking about the specifics of those bills, I will try to address the historical context of what it is we are wrestling with and why it is so hard.

What we are really trying to do in this body this week is to balance two critical constitutional provisions. The first is in the preamble, which is to provide for the common defense and ensure domestic tranquility. That is a fundamental purpose of this government. It is a fundamental purpose of any government—to provide for the common defense and ensure domestic tranquility. That is national security, and it is in the very core preamble to the Constitution of the United States.

Of course, the other provisions are found in the Bill of Rights, particularly in the Fourth Amendment, which talks about the rights of the people to be secure in their persons and papers from unreasonable searches and seizures. “Unreasonable” is a key word. The

people who drafted our Constitution were geniuses and every word counts. The word was “unreasonable.” So there is no absolute right to privacy, just as there is no absolute right to national security. We have to try to find the right balance, and that is what we have to do year in and year out, decade in and decade out, in relation to developments in technology and developments in terms of the threats which we face. It is a calibration that we have to continue to try to make.

Now, I have been concerned, as a member of the Intelligence Committee, about the retention of large quantities of telephone data by the government. I think the program under which that data has been analyzed is important, and I will talk about that in a few minutes. I share the concern of many in this body who feel that simply having and retaining all of that information in government computers, even though it was hedged about with various protections and even though there were requirements for how it was to be accessed—and the level of attention to the detail of that access was important—and there is no evidence that it had ever been abused, was a danger to the liberty of our country. I feel the same as many of the Members of this body who have expressed that concern. Therefore, the USA FREEDOM Act, which we have before us now, proposes to move to leave the data with the phone companies. Instead of the government collecting and having it in the government's hands, the data will be in the phone companies. If it is necessary to access that information for national security purposes, the government will have to go through the process of going through the Justice Department and the court in order to get permission to access that data.

Why shouldn't the government simply hold it? I am a subscriber to Lord Acton's famous maxim that “power tends to corrupt, and absolute power corrupts absolutely.”

While the current administration or the prior administration may have no inclination to misuse that data, we have no idea what may come in the future, what pressures there may be, what political pressures there may be. Therefore, it struck me as sensible to get it out of government's hands.

The trouble I have had with the USA FREEDOM Act is that I felt it went too far in the other direction because there was no requirement in the bill, as it passed the House, that the phone companies retain and hold the data for any particular period of time. They now hold it, as a matter of business practice, for 18 months to 2 years, which is all that is necessary in order to have the data available for a national security search if necessary. The problem is that there is no requirement that they maintain that level of retention.

In fact, in an open hearing, one of the vice presidents of one of the carriers said categorically: We will not accept a limitation on how long we have to hold

the data. I think that is a glaring weakness in the USA FREEDOM Act, and, in fact, it led me to vote against the consideration of the motion to proceed when it came up last week.

Today or tomorrow—whenever the timing works out—there will be a series of amendments proposed by the Senator from North Carolina, the chair of the Intelligence Committee, designed to deal with several of these technical but very important aspects of this program. One of those amendments would require the carriers—if they decide to hold the data for a shorter period of time—to notify the government, notify the Congress, and we could then make a decision as to whether we thought that some additional required period of retention would be necessary in order to adequately protect our national security. Another amendment that I understand is going to be proposed is that the transition period from the current program to the private carriers holding the data will be extended from 6 months to 1 year, simply because this is a major, Herculean technical task to develop the software to be sure that this information will be available for national security purposes on a timely basis.

Now, the final question, and the one we have been debating and discussing here is this: Is it an important program? Is it worth maintaining? There has been a lot of argument that if you can't point to a specific plot that was specifically foiled by this narrow provision, then we don't need it at all. I don't buy that. It is part of our national security toolkit.

It is interesting to talk about the history of this provision. It came into being shortly after September 11, because a gap in our security analysis ability was identified at that time, and that was that we could not track phone connections—not content, and I will talk about that in a minute—between the people who were preparing for the September 11 attack. For that reason, the section 215 program was invented.

I want to stop for just a moment and make clear to the American people that this program does not collect or listen to or otherwise have anything to do with the content of phone calls.

As I talked to people in Maine and they approached me about this, they said: We don't want the government listening to all of our phone calls. The answer is: They don't. This program does not convey and has not conveyed any such authority. We are talking about a much more narrow ability to determine whether a particular phone number called another phone number, the duration and date of that phone call, and that is it.

An example of its usefulness was at the Boston Marathon bombing. The two brothers perpetrated that horrendous attack in Boston in April of 2013. This program allowed the authorities to check their phone numbers to see if they were in touch with other people in the country so they could determine

whether this was a nationwide plot or whether it was simply these two guys in Boston. That, I will submit, is an important and—some would say—critical piece of information. It turned out that they were acting on their own, but had there been connections with other similarly inclined people in the country at that time, that would have been important information for us to know, and that is the way this program is used.

Is it absolutely critical and indispensable in solving these cases? I don't think anybody can argue that that is the case. Is it important and useful as a part of the national security toolkit? Yes, particularly when the invasion of privacy, if you will, is so limited and really so narrowly defined. I liken it to a notebook that a police officer carries at the scene of a crime. A detective goes to the scene of a crime, takes out his notebook, and writes some notes. If we said that detectives can no longer carry notebooks, would it eliminate law enforcement's ability to solve crimes? No, but would it limit a tool that was helpful to them in solving that crime or another crime? The answer, I think, would be yes.

We should not take a tool away that is useful and important unless there is some compelling argument on the other side. Since we are not talking about the content of the phone conversations—we are simply talking about which number called which other number, and it can only be accessed through a process that involves the Justice Department and then permission from the court—I think it is a program that is worthy of protection and useful to this country, and I think it is particularly important now.

It is ironic that we are talking about, in effect, unilaterally disarming to this extent at a time when the threat to this country has never been greater and the nature of the threat is changing. September 11 is what I would call terrorism 1.0, a plot that was hatched abroad. The people who perpetrated it were smuggled into the country in various ways. They had a specific target and a specific plot that they were working on. That is terrorism 1.0, September 11. Terrorism 2.0 is a plot that is hatched abroad but communicated directly to people in the United States who are part of the jihadist group. But now we are on to terrorism 3.0, which is ISIS sending out what amounts to a terrorist APB to no particular person but to anyone in this country who has been radicalized by themselves or by the Internet. There is no direct connection between them and ISIS. It might be a Facebook post. That person then takes up arms and tries to kill Americans, and that is what their intent is. That is the hardest situation for us to counteract, and that is a situation where this ability to track numbers calling numbers can be extremely useful. In fact, it might be the only useful tool because we are not going to have the kind of specific plotting that we have seen in the past.

This is the most dangerous threat that I think we face today. To throw aside a protection or a safeguard that I believe passes constitutional and legal muster and goes the extra mile to protect the privacy rights of Americans by getting this data out of the hands of the government and that is worthy of the support and the active work in this Chamber to find that balance—the balance between the imperative, the most solemn responsibility we have in this body, which is to provide for the common defense and ensure domestic tranquility, and to protect the safety and security of the people of this country in light of the constitutional limitations in the Bill of Rights that protect our individual liberties that make us who we are—we can do both things. There is never going to be a final answer to this question. But what we have to do is just what we are doing this week, and that is to assess the threats, assess the technology developments, and try to find the right calibration and the right balance that will allow us to meet that most solemn of our responsibilities.

I look forward, hopefully, to the consideration of amendments later either today or tomorrow and look forward to what I hope will be a quick passage of this legislation in the next 24 to 48 hours so we can look our constituents and the people of this country in the eyes and say: We took the responsibility to protect your security seriously, and we also took seriously your rights, your liberty, and your understanding that the government is not going to impinge unreasonably in any way in violation of the principles of this Constitution.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my good friend, the Senator from Maine, a committed member of the Committee on Intelligence, and one who has been vitally involved in the oversight of section 215.

I think what has been left out of the debate is that 15 Members of the U.S. Senate have actively carried out oversight. This is probably one of the most looked at programs that exists within the jurisdiction of the Intelligence Committee. There are a couple more that probably get more constant attention, but this is not a program that is used that frequently. I think that is the key point.

I wish to reiterate some of the issues Senator KING brought up. We are not listening to people's phone calls. There is no content collected.

This program expired last night at midnight. That means the database cannot be queried, regardless of if we find a terrorist telephone number. I think it is important to remind my colleagues and the American people that this is all triggered by a nonterrorist number outside of the United States.

Now, in the case of the Tsarnaev brothers, we had the telephone number

outside the country, and we wanted to see whether the connection had been made, so there was direction in that case. But this is triggered by not just going through the database and looking at who Americans are calling and trying to figure something out, it is triggered by a known foreign terrorist's telephone number, and we searched to see whom they may have contacted in the United States.

Now, the FISA Court only allows this data to be queried when there is a reasonable articulable suspicion—or RAS, as we call it—based on specific facts; that the basis for the query is associated with a foreign terrorist or terrorist organization. If the NSA can't make that case to the courts, that RAS is never authorized to go forward. The NSA is not searching through records to see whom ordinary Americans are calling; they are only looking for the terrorist links based upon the connection to a phone number known to be a terrorist phone number.

Now, my good friend, the Senator from Maine, spoke about the Boston bombings. Let me go back to some comments the Director of the FBI, Director Mueller, made earlier last year. He testified in the House that had the program been in place before September 11, 2001, those attacks might have been derailed. Why? Well, according to the Director of the FBI, before 9/11, the intelligence community lost track of al-Mihdhar. Al-Mihdhar was one of the two who lived in San Diego, and he was tied to a terrorist group in Yemen. We lost track of al-Mihdhar, but we knew the terrorist organization in Yemen. So if we would have had this program in place, we could have targeted the telephone numbers out of the cell in Yemen to see if they were contacting anybody in the United States—and they were contacting al-Mihdhar—and we could have put the connection together and found al-Mihdhar after we lost him in flight to the United States.

I think Director Mueller said we saw on 9/11 what happens when the right information is not put together. If this program had been in place, then it could have provided the necessary link between the safe house in Yemen and al-Mihdhar in San Diego.

For those who claim this program served no purpose prior to 9/11, here is the Director of the FBI saying it would have. Then we have the Boston Marathon bombing, and the program told us there was no terrorist link.

Then we come to the 2009 New York City subway bombing plot. In early September 2009, while monitoring the activities of an Al Qaeda terrorist group in Pakistan, NSA noted contact from an individual in the United States who the FBI subsequently identified as Colorado-based Najibullah Zazi. Section 215 provided important lead information that helped thwart this plot.

I wish to say this one more time to my colleagues: This program works. It has worked. It has stopped attacks because we have been able to identify an

individual before they carried out the attack.

Now, the threshold for my colleagues who say this program has not served any useful purpose, meaning we have to have an attack to be able to prove we thwarted an attack—that is not why we have this program in place. We are trying to get ahead of the terrorist act. In the case of the subway bombings in New York, we did that in 2009.

There was a Chicago terrorist investigation in 2009. David Coleman Headley, a Chicago businessman and dual U.S. and Pakistan citizen, was arrested by the FBI as he tried to depart Chicago O'Hare Airport to go to Europe. At the time of his arrest, Headley and his colleagues, at the behest of Al Qaeda, were plotting to attack the Danish newspaper that published the unflattering cartoons of Prophet Mohammed. Section 215 metadata analysis was used along with other FBI authorities to investigate Headley's overseas associates and their involvement in Headley's activities.

I am not sure how it gets any clearer than this. We have an individual who is radicalized, who intends to carry out an act, who has overseas connections that we never would have understood without section 215. I think that as my good friend from Maine knows, when we connect one dot, typically it leads to another dot and that leads to another dot. To say to law enforcement, to say to our intelligence community that we are not going to give you the tools to connect these dots is to basically stand up in front of the American people and say that we are supposed to keep you safe, but we are not going to do that.

So I thank my good friend, the Senator from Maine, for his support.

I say to my colleagues, I hope we are going to be able to reinstitute this program shortly after lunch tomorrow. Hopefully, we will be able to do it with three amendment votes and a final passage vote. One will be a substitute to the full bill. It has all the USA FREEDOM Act language, with two changes. It would require the telecom companies to provide 6 months' notification of any change in the retention program of their company. That language was the suggestion of the Senator from Maine, and it works extremely well.

The second piece of the substitute amendment will deal with the certification of the Director of National Intelligence that we have made the technological changes necessary for the telecom companies to actually query that data they are holding.

There will be two additional amendments. The first one will be to change the transition period from 6 months to 12 months, and I think the Senator from Maine would agree with me that—I would like to see it longer—anything longer than 6 months is beneficial as we talk about the safety and security of the American people.

The last amendment is the change in the amicus language or the friend of

the court language. I will get into that in a little while. The current bill says the courts shall—"shall" means they will do it. The administrator of the court has provided us with language that they think will allow the court the flexibility, when they need a friend of the court, to solicit a friend of the court in FISA Court but not require them, with the word "shall," to always have a friend of the court.

Again, I think, as my good friend from Maine knows, the process we go through in section 215 through the FISA Court in many cases is an accelerated process. Any delay can defeat the purpose of what we are doing; that is, trying to be in front of an attack versus in the back of an attack. I say one last time for my colleagues, NSA, under the metadata program, collects a few things: They collect the telephone number, they collect a date, they collect the duration of time that the call took place. They don't get content. They don't get the person's name. They have no idea whose number it is. Were they to tie a domestic number to a foreign terrorist number, that then goes directly to the FBI because they say to the Bureau: We have a suspicious American because they have communicated with a terrorist, at which time it is out of the 215 program for the purposes of investigation of the individual. If there was ever a need to find out whose telephone number it was or if there was a need to see content, that would be sought by the FBI under an investigation through the normal court processes that are not part of the 215 program. Section 215 is limited to a telephone number, with no identifier for whose number it is, the collection of the date, and the duration of the call.

I think the Senator from Maine would agree with me. I would just as soon see the program stay at NSA, but that decision is a fait accompli. It is going to transition out. We would just like to make sure we have enough time so this can seamlessly happen versus an artificial date of 6 months and not knowing whether it can happen.

I thank the Senator from Maine.  
Mr. President, I yield the floor.

#### NATIVE AMERICAN CHILDREN'S SAFETY ACT

#### ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN ACT

Mr. HOEVEN. I ask unanimous consent that the Senate proceed to the consideration of the following bills en bloc: Calendar No. 77, S. 184, and Calendar No. 79, S. 246.

The PRESIDING OFFICER. The clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 184) to amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes.

A bill (S. 246) to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, S. 184.

There being no objection, the Senate proceeded to consider the bill, S. 246, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 246

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act".*

#### SEC. 2. FINDINGS.

*Congress finds that—*

*(1) the United States has a distinct legal, treaty, and trust obligation to provide for the education, health care, safety, social welfare, and other needs of Native children;*

*(2) chronic underfunding of Federal programs to fulfill the longstanding Federal trust obligation has resulted in limited access to critical services for the more than 2,100,000 Native children under the age of 24 living in the United States;*

*(3) Native children are the most at-risk population in the United States, confronting serious disparities in education, health, and safety, with 37 percent living in poverty;*

*(4) 17 percent of Native children have no health insurance coverage, and child mortality has increased 15 percent among Native children aged 1 to 14, while the overall rate of child mortality in the United States decreased by 9 percent;*

*(5) suicide is the second leading cause of death in Native children aged 15 through 24, a rate that is 2.5 times the national average, and violence, including intentional injuries, homicide, and suicide, account for 75 percent of the deaths of Native children aged 12 through 20;*

*(6) 58 percent of 3- and 4-year-old Native children are not attending any form of preschool, 15 percent of Native children are not in school and not working, and the graduation rate for Native high school students is 50 percent;*

*(7) 22.9 percent of Native children aged 12 and older report alcohol use, 16 percent report substance dependence or abuse, 35.8 percent report tobacco use, and 12.5 percent report illicit drug use;*

*(8) Native children disproportionately enter foster care at a rate more than 2.1 times the general population and have the third highest rate of victimization; and*

*(9) there is no resource that is more vital to the continued existence and integrity of Native communities than Native children, and the United States has a direct interest, as trustee, in protecting Native children.*

#### SEC. 3. DEFINITIONS.

*In this Act:*

*(1) COMMISSION.—The term "Commission" means the Alyce Spotted Bear and Walter Soboleff Commission on Native Children established by section 4.*

*(2) INDIAN.—The term "Indian" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

*(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

*(4) NATIVE CHILD.—The term "Native child" means—*

*(A) an Indian child, as that term is defined in section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903);*

*(B) an Indian who is between the ages of 18 and 24 years old; and*